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OBSERVATIONS

ON THE

APPEAL

FROM THE

NEW TO THE OLD WHIGS,

AND ON

MR. PAINE'S RIGHTS OF MAN.

IN TWO PARTS.

BY SIR BROOKE BOOTHBY, BART.

LONDON:

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ADVERTISEMENT.

THE following pamphlet was designed for anonymous publication. A consideration which I had not sufficiently weighed, determines me to put my name to it. In the discussion of characters and facts, something must always rest upon the supposed integrity and judgment, and knowledge of the Authour; and I will not mislead the Reader to give more or less of this sort of credit than I can justly claim; I feel it therefore necessary to declare in my own name, that my authorities are derived solely from the common sources of observation and enquiry, equally open

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to all; that I am unconnected with any party, and write without any concurrence or communication whatever.

Under the ſhade of an anonymous character, I have perhaps expreſſed myſelf with ſomewhat leſs reſerve of men and things than I might have been inclined to uſe in my own perſon; but to reduce this work to a lower and more modeſt tone, the whole of it muſt have been caſt over again; a diſguſtful and laborious taſk; I therefore ſay with Pilate, "what I have written, I have written." I have aſſerted nothing that I do not believe, and perhaps nothing of which I am ſure; for though I may have employed abſolute modes of expreſ-

ſion,

ſion, no man is more diſtruſtful of facts, or more diffident of his own opinions. There was a time indeed, when I would not have hazarded my repoſe, by entering into ſuch a warfare; but on this head I have at preſent the misfortune to be free from all anxiety.

March 1792.

PART I.

OBSERVATIONS

ON THE

APPEAL

FROM THE

NEW TO THE OLD WHIGS,

ADDRESSED TO THE

AUTHOUR.

——"*dum fessâ mente, retinet silentii impatientiam.*"——

TACIT.

YOUR apology for the authour of the *Reflections on the Revolution in Fr nce* though written with great pretenſions to moderation contains I think deeper malice than the moſt violent of that gentleman's recent productions. If your object had been ſimply to reſtore the reputation of your friend to the place which it lately held in the general eſtimation, every good man muſt have wiſhed you ſucceſs: for though it is of ſmall importance to the world whether Mr. Burke goes into retirement voluntarily, *ut conviva ſatur*, as a ſatisfied gueſt riſes from table, or whether he is driven from the ſtage by the diſapprobation of his aſſociates; whether it be owing to the inconſiſtency of his conduct or his want of judgment in the choice of his friends, that he can neither retreat from his ſituation with dignity nor decently remain in it; though theſe are objects of no public moment in a caſe adapted rather to deter as a warning than to invite to imitation as an example; yet the degradation of a man of character whether through misfortune or fault will always offer a home-felt leſſon to thoſe who have any reputation of their own to preſerve; and an

honeſt attempt to ſoften the errours or extenuate the miſconduct of ſuch a perſon muſt ever be received with much candour and good will.

But nothing as it appears is more remote from the Gentleman's intentions than this kind of apology. Far from wiſhing to reſume his ancient ſtation or to be reconciled to his ancient confederates, he rejects and abjures them all with much anger and diſdain. He has it ſeems at laſt diſcovered that the *Sinope** of oppoſition, bleak and barren, buffeted with waves and beaten by tempeſts, is not a tenable ſituation. Be it ſo. This alſo might have been ſilently endured. His old companions would have ſeen him baſking in the ſun-ſhine of royalty, the delight of biſhops and the admiration of white ſtaves, with a ſmile perfectly guiltleſs either of envy or ill-will; and though they might have mourned the loſs of their comrade in the warfare, they muſt ſoon have been conſoled with the conſideration that the advantages derived from his aſſiſtance had always been

* What this *Sinope* is from which the right honourable gentleman receives his baniſhment with ſo much haughty indifference, and in which he condemns the Duke of Portland and Mr. Fox to remain, I confeſs myſelf ſo dull as not clearly to comprehend. If indeed he had been disfranchiſed, and deſired not to return by the citizens of Galway or Loughrea, this cynical reply might have been very appoſite.

in a great degree counterbalanced by an intemperance of oratory which frequently alienated and diſguſted moderate men. They might have been afflicted perſonally, but as a *party* they muſt have found themſelves relieved.

Such in all probability would have been the ſentiments and ſuch the conduct of the gentleman's friends if, in quitting his party, he had confined himſelf to making the beſt apology he could offer for an action which certainly at firſt view always ſtands in great need of one. But when you abandon the defenſive of *his* reputation to make an inſidious attack upon a great body in Parliament, compriſing a conſiderable part of the ability and virtue and conſequence of the nation, the ſtate of the caſe is entirely changed. The character of ſuch a party is of far other importance than that of any ſingle individual. The charges ought to be and muſt be examined. For the advantage of the party you accuſe I am perſuaded they cannot be too often or too much diſcuſſed.

In this diſcuſſion I ſhould willingly have ſeparated your defence of your client from your charge againſt the party, and have confined myſelf wholly to the latter; but it will be neceſſary to ſhew that the attack is founded on premiſes inconſiſtent or contradictory, or in ſome other

way abſurd; and if you, his advocate, have thought it moſt for your purpoſe to involve the attack and the defence ſo much in each other that they muſt ſtand and fall together, this let it be remembered is no fault of mine.

Allow me here to ſay ſomething of myſelf and my motives. I do aſſure you, Sir, I have no connection either perſonal or political with the party in whoſe cauſe I have entered the liſts with my beaver up, and without any device upon my arms. I have not the honour to belong to any club or political ſociety whatſoever; and I think I may without arrogance aſſume that "equeſtrian character" which you deſcribe, as beſt calculated to take "the middle ſtation," from whence all extremes are ſeen at an equal diſtance, and as "beſt fitted to prevent things from running to exceſs on either ſide." To this I ſhould have added that I am a whig; but you have endeavoured ſo to unſettle the foundation of this character; ſo to confound it with all diſturbers of public order, the enemies of the monarchy, the broachers of the moſt new and fantaſtical poſitions on one ſide; and with the maintainers of paſſive obedience and non-reſiſtance, high-church doctrines, and anti-revolution principles on the other; that it is become neceſſary before one can venture to aſſume that appellation to ſtate what

what is meaned by it. According to you, it ſhould ſeem that all perſons of whatever deſcription or denomination who are not ready to ſubſcribe *in toto* and without reſerve to the whole pleadings againſt the natural rights and liberties of mankind ſet forth in *the Reflections*, are in a ſtate of damnable errour. *The Reflections* contain the articles of the true catholic doctrine, which except a man believe faithfully he cannot be ſaved. In vain ſhould we offer to receive many of the poſitions upon condition that we may be allowed to doubt of others; like the church you admit of no ſhades of reſiſtance to your *dogmata*; your tone, like her's, is perfectly firm and reſolute. *Ex cathedra non eſt ſalus.* In the diſcuſſion of theſe infallible deciſions, which I mean to examine with true proteſtant courage, my own confeſſion of faith muſt of neceſſity appear. I will not therefore here ſtate what that religion *is* but what it *is not*—I am not *a Burkite*—I am not *a Painite*; and I will poſtpone putting in *my* claim to the character of a whig till we have thoroughly inquired into your friend's title to it.

I am principally induced to conſider your appeal by a firm conviction that the party you attack have ſhewn themſelves after a long and ſevere trial well deſerving of the confidence of the people, whoſe cauſe they have maintained,

now for many years with great fidelity and more ſucceſs than could have been expected conſidering the circumſtances under which they have acted. A good underſtanding between the people out of doors and their avowed advocates in parliament, ſo that each ſhall be ready to ſupport the other in the old conſtitutional way, is I think an object of the firſt importance for reſtraining miniſters within any ſort of due bounds; and I conſider on the contrary whatever tends to interrupt or diſturb this good underſtanding as proportionably dangerous and pernicious. This party has of late been riſing faſt in the public opinion. Its true value begins to be known. It has made a great ſtand, unbroken and undiſmayed againſt miniſterial influence and power hitherto without example, againſt all the inſolence of unmerited proſperity, againſt torrents of bribed abuſe, againſt royal averſion and popular prejudice; and ſhall a ſingle arm perform at one inſidious blow what a whole hoſt of open enemies has not been able to accompliſh in a long war? No; The javelin may be ſharp and envenomed, and thrown with no feeble arm, but it has not found the vulnerable heel of this Achilles.

There is ſo little of order in your appeal, the argument and the oratory are ſo twiſted and interwoven together, that a plain anſwer is made exceed-

exceedingly difficult. Every appeal to the judgement of mankind which desires to be fairly tried, will above all things labour to produce that clear arrangement and simple exposition of the facts, and that explicit enunciation of the arguments which foresees and comes forward to meet all that can be fairly urged on the opposite side. You on the contrary have chosen to rest the force of your plea upon the facility with which it eludes the grasp. A charge is indeed made, and a very heavy one too, but it is made in hinted crimes and hesitated imputations. Nothing is palpable. When we think we have in our hold an argument, we see it escape from us in the form of a simile or an allusion,

—Verum ubi correptum manibus vinclisque tenebis
Dum variæ eludent species———

the strength of your fortress consists in the slippery and fluctuating ground on which it stands, because by that alone it can be approached.

I will first endeavour as well as I can (for I really wish to be understood) to collect together the disjointed members of your accusation; to bring the charge into one clear point of view.

You state that your client is *at issue with the party before the public.* About what is he

he at iſſue? Not upon their objections to the principles laid down in *the Reflections*, becauſe on that point you tell us this high Court of dernier reſort has already pronounced—*that his repreſentation is authenticated by the verdict of his country and his fidelity recogniſed by the body of the people—that he finds ſubject not only of conſolation but of pride—that the matter ſtands exactly as he wiſhes it.* All farther defence after this would not be only ſuperfluous but offenſive to the deciſion of the court. The only object then about which your client can remain at iſſue with the party conſiſtently with your own declarations is upon his counter accuſation againſt his ſuppoſed accuſers. In ſpite of the whining intermiſcence of deprecatory lamentation with which you endeavour to mitigate the derelict-tion of his party, to palliate the odium of this ſort of *turning King's evidence*, this is and can only be the object of the preſent appeal.

Now let us ſee what the accuſation is.

You declare *that you are very unwilling to ſuppoſe that the doctrines of ſome books lately circulated are the principles of the party, though from the vehement declarations againſt his opinions you are at ſome loſs how to judge otherwiſe.*

Page 9, you tell us what theſe book are; that *they are the moſt atrocious and treaſonable libels againſt*

againſt all the hitherto cheriſhed objects of the love and veneration of the people; and page 84, that *they are full of ſhallowneſs, levity, pride, preſumption, and ignorance. As to the reſt*, you add, *it will be difficult for Mr. Burke to conform to the principles of the avowed leaders of party, who are its authentic organs, and with whom in their public capacity the party muſt be conſidered as unanimous until they appear otherwiſe than negatively.* (So then the gentleman knows nothing of the principles of the party with which he had been acting for ſo many years otherwiſe than negatively!) *All you can gather from them is that their principles are diametrically oppoſite to his. Their negative declaration obliges you to have recourſe to the books which contain poſitive doctrines. They* (the poſitive doctrines of Mr. Paine's pamphlet afterwards cited at length) *are indeed diametrically oppoſite to thoſe Mr. Burke holds*; *and if it be true, as they have ſaid, you hope haſtily, that their opinions differ ſo widely from his, it ſhould ſeem, they* (the doctrines you cite from Paine) ARE MOST LIKELY TO FORM THE CREED OF THE MODERN WHIGS*. *If the party are diſ-*

* Prieſts have ſometimes made their deities ſpeak to the people by ſtrange organs; but Mahomet's pigeon, or St. Anthony's pig, are certainly not more extravagant vehicles for the will of Heaven than Thomas Paine's Rights of Man for the ſentiments of the Duke of Portland and Mr. Fox.

poſed to ſerve their country (as you truſt they are) they are in a condition to render it ſervices of the higheſt importance. If through miſtake or paſſion they are led to contribute to its ruin, we ſhall not be deſtroyed by men of mean or ſecondary capacities.

Here then is the charge brought together with all its qualifying doubts and palliative parentheſes. Now mark the curious ſophiſm by which alone it is attempted to be ſupported. The party have condemned *the Reflections una voce*; they have declared that they hold opinions diametrically oppoſite to it; but Mr. Paine's opinions are diametrically oppoſite to thoſe contained in *the Reflections*, therefore Mr. Paine's opinions and thoſe of the party are the ſame. The force of ſuch logic certainly depends much upon the oratory with which it is accompanied. What? becauſe a man rejects one extreme is he obliged to run into the other? Is not the middle point between two extremes (though at a leſs diſtance) as diametrically oppoſite to each as they are to one another? Becauſe I think which I moſt ſincerely do that the deſtruction of deſpotiſm in France is likely to advance the future happineſs and improvement of mankind, does it therefore follow that I wiſh to overturn our own free and excellent eſtabliſhed Conſtitution, from which the very event I admire draws its origin, and to which it

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is congenial? or that I am a lover of the murder and rapine incident to convulsions of the state? *One would think that such a thing as a medium had never been heard of in the moral world.* Permit me to borrow your own words; "this mode of arguing from having approved "*any* thing in a certain line, to the necessity "of approving *every* thing has political conse- "quences of other moment than those of a lo- "gical fallacy. If no man can propose any di- "minution or modification of an invidious or "dangerous power or influence in government "without intitling *friends turned into adversa- "ries* to argue him into the destruction of all "prerogative, and to a spoliation of royalty, I do "not know what can more effectually deter "persons of sober minds from engaging in any "reform; nor how the worst enemies to the "liberty of the subject could contrive any me- "thod more fit to bring all corrections on the "power of the crown into suspicion and dispu- "pute." I can add nothing to this.

In a reply to an appeal I should have wished to be able to proceed in some progressive order by which the points in dispute might have been more fairly contended and the labour much abridged. But the reach of my comprehension has furnished no means of giving a regular answer to a performance wholly desultory. I

can at laſt find no better order than the pages of the book. In this at leaſt the anſwer is ſure not to be more digreſſive than the work itſelf.

Page 1, you open your caſe with a charge againſt the gentleman's former political aſſociates, urged with much querulous ſenſibility *for adviſing him to retire from public buſineſs*; at the ſame time that you, who ought to know the man, allow that *his age and diſpoſition leave him nothing to do but to retire—that retreat is his choice —that the party have done no more than confirm the ſentence which he before had paſſed upon himſelf* *—and after all the whole of the charge reſts ſolely upon an anonymous paragraph in a newspaper!

Page 3 and 4, you ſtate, that as a piece of fine writing *the Reflections* has indeed been criticiſed and condemned; but that the facts and ſentiments ſet forth in it have been approved of by the nation in general. The firſt of theſe two poſitions I think is not true. Grave men may have thought that topics of ſuch deep importance are not properly objects of poetry and

* The man in graver tragic known,
Though his beſt part was long ſince done,
Still on the ſtage deſires to tarry:
And he who plays the harlequin
After the jeſt ſtill loads the ſcene,
Unwilling to retire though weary.

decla-

declamation, becauſe conviction is a more ſolid foundation for truth than perſuaſion; and moderate perſons may have been offended with the tone of it as much too paſſionate and outrageous; but as the work of a rich imagination, abundant in choice of language, pointed alluſion, beautiful imagery, and all the graces of claſſical compoſition, ſurely no good judge can have denied it praiſe. The ſevereſt cenſure of ſuch perſons I think would be that the ſtile is much above the matter; that it contains enough of eloquence, but too little of wiſdom.

The ſecond poſition, that the ſentiments and opinions of *the Reflections* have received the ſanction of the nation in general, requires to be more cloſely ſifted, becauſe, you found upon it a ſophiſm perhaps not very obvious to immediate detection. If the gentleman and the party are really at iſſue upon any point it is the ſoundneſs of their reſpective whiggiſm; on this all his pretenſions to conſiſtency depend; nay ſo neceſſary does it appear to you to ſupport his right to this character, that not being able to reconcile his principles with thoſe of what has been hitherto commonly eſteemed the whig party, you chooſe rather to diſpute and invalidate the claim of all of them to this title than to ſuffer his whiggiſm to be ſuſpected; ſooner than fail in this maſter point you ſeem ready to

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maintain that your client is the only remaining whig in the nation.

Now let us examine how far this general good reception of *the Reflections*, of which you ſo much boaſt, tends to eſtabliſh the gentleman's right to this diſputed title.

I think it will not be denied that the moſt general and comprehenſive diſtinction between whig and tory is that the bias of a whig is rather towards *the popular ſide* and the bias of a tory rather toward *the kingly ſide* of the government whenever they are conſidered as oppoſed to each other. The old jacobite tenets of divine right paſſive obedience and non-reſiſtance have I believe always been looked upon as the extreme of toryiſm, and the levelling republican doctrines of the old diſſenters as the exceſs of whiggiſm. Setting out from this ſimple bias or inclination, men have at all times, in degree according to the ſtrength of their paſſions or the weakneſs of their judgement, erred too near to the extremes. But a whig ſupporting high monarchical principles or a tory aſſerting ſtrong popular claims I conceive to be a contradiction in terms. Now admitting this diſtinction, which before the inauſpicious contention occaſioned by *the Reflections* I am ſure nobody would have thought of diſputing, your experience I am perſuaded agrees with mine that a great majority

of

of the people of England incline to tory principles. Though upon any very glaring infringement of their rights the multitude may be occaſionally exited to forget for a time their reſpect for the king, they are ever reader to return to their ancient loyalty upon the moſt moderate condeſcenſion to their wiſhes. The ſacrifice of a miniſter offers at all times a ready and cheap atonement. Like the ſcape-goat, he is driven into the wilderneſs with all the iniquities and tranſgreſſions and ſins of the times upon his head. Popular tumults are rare and momentary and ever of uncertain event; but the attraction of the crown acts with uniform and progreſſive force. An honeſt and wiſe whig expects little good from the effervescence of the people. His object will rather be to reſtrain them from laying their laws and privileges at the foot of the throne; a thankleſs and invidious taſk, and perfectly barren either of profit or applauſe.

A Britiſh king, while he appears to confine himſelf within the bounds of the law, while he carries on no very open deſigns againſt the liberties of the nation, while he raiſes no man into the favour and protection of the public by groſs acts of oppreſſion, while he purſues no unjuſt or inglorious war, is the natural idol of the people. They are perſuaded that he has neither

neither the power nor the inclination to hurt them, and they are well disposed to believe that much of the good which they enjoy descends from him who is the fountain of honour and the source of mercy. They are near enough to be warmed and enlightened with his splendour and too far off to discern the spots upon his orb. Such is the *political* existence of the King. If at the same time his *natural* constitution leads him to no glaring excesses, if he fulfils with ostensible decency the common offices of life, if he represents with tolerable grace the dignity of his station, I do not say he may be adored though I think it, but I am sure he will hold the hearts and lives and fortunes of his subjects in his hand. To oppose the dangers of this amiable idolatry has always been one among the chief objects of the guardians of the constitution. A watchful and suspicious jealousy of the court is their peculiar characteristic. In the very virtues of a king or the well-earned popularity of a minister they can find cause of alarm. So that though the whigs are perhaps above all men the most firmly devoted to the constitutional throne, they do not wear upon their external habit those marks of personal attachment to the king, the want of which to vulgar observation is easily made to pass for disloyalty or disaffection. If they give, it is with cold reserve

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and curious enquiry; and when any pointed ſucceſs or action of eclat calls for congratulation and praiſe, they beſtow them in ſparing and meaſured terms, or perhaps contraſt them with ſome coexiſtent ſubject of complaint. Hence the whigs have acquired the name of a ſour diſcontented race, hating excellence and envious of good fortune. Certainly to ſet bounds to kindneſs, to damp the effuſions of gratitude and affection, though it may be a neceſſary muſt always be an ungracious employment, and unfortunately this part of their duty is far the moſt frequently called for. It is the nature of power to encreaſe by its own ſtrength. Dangerous prerogatives may be eſtabliſhed by the progreſs of almoſt imperceptible conceſſions, and perpetually to oppoſe, as it muſt ſometimes ſeem for the very love of oppoſition, appears neither liberal nor good humoured. The ſeverer relative duties whether in public or in private life may force eſteem but they do not conciliate affection. Thus the real friends of the people are ſeldom their favourites; a whig, as the gentleman knows by experience, is not a popular character.

Now if the general diſpoſition of the nation be ſuch as I have deſcribed it, and if this diſpotion has been of late, as it obviouſly has, more than uſually prevalent, it follows that the favourable reception of *the Reflections* is the worſt

proof of the authour's whiggiſm that you could poſſibly adduce; that it goes to prove, as far as it proves any thing, the exact contrary of this leading object of your appeal. Upon this point the teſtimony of a ſingle whig is of more value than the approbation of the whole tribe of tories. Men who have long acted under ſentiments and opinions early imbibed acquire upon theſe points a ſort of inſtinctive ſenſe much leſs liable to be deceived than the mere reaſoning faculty; without proceeding to argument or analyſis they have an exquiſite feeling how far any propoſed tenet or doctrine coincides with the active and exerciſed principles, the habitual guides of their own minds. They do not give a reaſoned opinion, but an involuntary deciſion. Their tact is ſure; to hear and to determine are one and the ſame thing. If for example I wanted to aſcertain the merit of a muſical compoſition or the talents of a *virtuoſo*, I ſhould not be ſatisfied with the claps or hiſſes of a mixed audience but ſhould apply to the profeſſors in the art; If I were deſirous to be informed whether the ſtile I am now writing is good or bad I ſhould ſolicit you or Mr. Burke to caſt your eye over it; there would be no queſtion here of elementary treatiſes, of dictionaries or grammars, but merely of the impreſſions produced by theſe ſubjects upon

upon the minds of the judges. Againſt this ſort of verdict, no writ of errour can be brought, the ſentence is full compleat and without appeal. By an exact parity of caſe, if the Bentincks, the Cavendiſhes, the Ruſſels, the Fitzwilliams, &c. &c., the native and hereditary whigs, have pronounced againſt the whiggiſm of *the Reflections*; if, as you tell us, *during a diſcuſſion which continued for two days no one of theſe gentlemen interpoſed a negative or even a doubt in favour of Mr. Burke or his opinions*, your cauſe is I fear wholly deſperate. There remains, as indeed you ſeem to be aware when you appeal from the living to the dead, *from the modern whigs to the ancient*, no court upon earth to which you can apply for redreſs; and that the ſhades of theſe departed whigs are not more favourable to you than their living repreſentatives, I ſhall take upon me to ſhew when we come to that part of your brief where theſe figures are to be introduced. No, Sir, the gentleman may be a good or a wiſe or a great man, he may be any thing but a whig.

You tell us, that ſix and twenty years ago your client entered into a connection with the Whig party, at a mature age, at thoſe years when men are all that they are likely to become; you deſcribe him, as employing powers of underſtanding in their prime, ex-

ercised memory, formed judgement, reading fresh in recollection and ready in application together with much previous knowledge of the subject to discern what sort of whig principles they entertained with whom it was his wish to form an eternal connection, before he engaged in a cause of which he could have no very sanguine hopes as a road to power. That the gentleman possessed all these qualifications and attainments I am heartily disposed to allow, much more than was necessary to discern the principles of Lord Rockingham or the Duke of Portland or Lord John Cavendish, for the principles of men of honour and integrity are ever clear and plain; but surely your tone on this occasion is taken somewhat too high. More could not be said of the man of the first weight and consequence in the country, courted by all parties and deliberating which he should honour with his support; whereas from your account we do not learn that the gentleman had any offers from the tory party till he had displayed his abilities under a whig administration. To prove his predilection for whig principles, we should rather have been told by what bias of early education, what habits of youthful society, what hereditary example his mind had been impressed with their excellencies; for at forty a man has not his tendencies to chuse. It was related, I remem-

ber, at the time, and I have never heard it contradicted, that at Lord Rockingham's coming into the Treasury in 1765, your friend was recommended to him by a gentleman at that time in much esteem with the party *, as a man capable of serving honourably and ably in parliament and in office, whose fortunes were not adequate to his deserts. And though the situation to which he was then appointed might not "give any very sanguine hopes as a road to power," it appears to have been such both in consideration and emolument as might have satisfied the reasonable ambition of a person in more advantageous circumstances than the gentleman was then represented to be. No, Sir, till you shew what better prospect of advancement in the road of power was given up, what lucrative calling abandoned, what affluent ease resigned for the sake of supporting the whig party we cannot allow your client to be considered as a martyr in the cause. On what you afterwards add, "that on the removal of the "whigs in 1766 your client was free from "any thing which looked like an engage-"ment," "that the Marquis of Rockingham "wished him to accept an employment under "the new system, but that he again chearfully "took his fate with the party,"—I am unwilling

* Mr. Fitzherbert.

to

to say much, because I cannot suppose that you mean to lay any great stress upon a conduct which every man of common honour must necessarily have held.

If in describing what I believe to be the tendency of the nation I am not much mistaken, there is but little reason at present to apprehend any danger from republican societies or their propagation of republican doctrines. None of those causes proximate or remote exist here which by a very extraordinary combination adequate to the very extraordinary event prepared brought on and concluded the late Revolution in France. The English have been too long conversant with all the common topics of government not to have acquired a good general sense upon the subject. They know and feel that they enjoy much, and they will not be persuaded to put their large possessions upon a doubtful issue for the chance of obtaining a little more. None but fools will play at a game where the losings may be indefinitely great and the winnings can be but small; and the English are neither fools nor easy dupes where their interests are concerned. That the people of France should have drank without discretion of a sweet and intoxicating liquor which they were allowed to taste for the first time, is nothing extraordinary; but men are neither tempted to excess nor easily

made

made drunk with the potation which is their daily draught. Conſidering the natural indifference conſequent upon long uninterrupted enjoyment; the dread of diſturbance and inſecurity belonging to a country habituated through all its ranks to the comforts and conveniencies of life, and eſteeming money as the firſt good; there is, I think, much more danger that the temporary evils by which France has purchaſed her freedom ſhould bring liberty itſelf into diſrepute, than that any ſpirit of imitation ſhould be excited where the circumſtances ſo far from being parallel differ almoſt to oppoſition. Of the diſpoſition of the nation in this regard we have a recent and not inconcluſive ſpecimen. The authour of *the Reflections* and the high church party proclaim the church and king in danger and the fires of Birmingham are lighted up. A few diſſenters and republicans endeavour to ſhew that our religious and civil liberties are incomplete and they cannot meet to dine at a tavern without danger of aſſaſſination. One man eminent above the reſt for his virtues and uſeful talents ſtands particularly charged with the horrible crime of propagating religious tenets abominably tolerant and civil opinions ſhockingly too favourable to the bulk of mankind. He is marked out by theſe loyal and orthodox incendiaries. His property is pillaged

his

his dwelling burnt and his perſon hunted for. If the chaſe had been ſucceſsful theſe blood-hounds might not perhaps have eaten their game becauſe ſuch a repaſt is not to the taſte of an Engliſh mob; but they would certainly have conſummated their *auto da fé* by hanging him up in terrour to all future philoſophers. In the concluſion, the juſtice of the country has been ſince denied or hardly and partially yielded to the fulleſt evidence of the moſt flagrant guilt. Now I deſire any obſerving impartial man to contraſt this with what he believes would have happened if the diſſenters had attacked the parſonage or even the tithe barn of the clergyman who is reported to have inflamed his congregation with ſo much angry abuſe of his chriſtian brethren, and to draw the conſequent inference. If I were diſpoſed to puſh this argument to its extent, it might I think be ſhewn from it that ſuch a work as *the Reflections* is at this moment and in this country at leaſt as dangerous to peace and good order as Mr. Paine's *Rights of Man.*

Page 7, you deny that the party had any right *to take part, or conſider themſelves as at all concerned in any opinions, or ſpeeches, or writings* of your client, though you allow, page 1, *that he was their aſſociate—their partner in the war—that he had always acted with the gentlemen of*

this party — But this is nothing to what follows; for you assure us presently afterwards, *that Mr. Burke is not the organ of any party*; the world has hitherto totally mistaken his character and pretensions; he is a plain country gentleman, a candid dispassionate man, who comes down to the House to give a cool disinterested independant opinion, quite free from all party views or expectations; *he is in no office under the Crown*; HE IS NOT THE ORGAN OF ANY PARTY *.

Page 9, you ask, "if it is contrary to any of "the honest principles of party, or repugnant "to any of the known duties of friendship, for "any senator *respectfully* and *amicably* to cau- "tion his brother members, against countenancing by inconsiderate expressions, a sort "of proceeding which it is impossible they "should deliberately approve?"—*Respectfully* and *amicably*, no; *indecently* and *hostily*, certainly yes.

From page 9 to 13, you inform us, that if the House of Commons had not absolutely refused to hear the new pamphlet on the French Revolution, which the gentleman was prepared to have spoken in the debate on the Quebec Bill, *he would have demonstrated by arguments not to be*

* The authour of the "Thoughts on the present Discontents," and the "Considerations on a late State of the Nation," *is not the organ of any party!!*

 refuted,

*refuted, and documents not to be denied** ; a ſeries of propoſitions (which you ſtate) comprehending all and more than all ſet forth upon that ſubject in *the Reflections*. Now if theſe demonſtrations are to be found in *the Reflections* which is in every body's hands, to recapitulate them in the Houſe of Commons was at beſt tedious and impertinent. If, on the contrary, *the Reflections* contains nothing leſs than theſe demonſtrations, I would aſk, why were theſe demonſtrations *then*, why are they *now* withheld from the public? Why are we to ſuffer becauſe the Houſe of Commons like the deaf adder refuſes to hear the voice of the charmer? Why are we to ſit in darkneſs becauſe they chooſe to put their candle under a buſhel? Theſe propoſitions, which he *had undertaken to demonſtrate—which he propoſed to prove—which if he had been permitted he would have ſhewn diſtinctly*, &c. contain, you confeſs, *ſtrong aſſer-*

* Some of theſe undeniable documents might not have been ſo eaſily eſtabliſhed; as for inſtance, that *by the terrour of aſſaſſination the leaders of the National Aſſembly had driven away a very great number of the members ſo as to produce a falſe appearance of a majority; and that this fictitious majority have fabricated the conſtitution.* Now by the call of the Houſe in Auguſt 1791 (a document of ſome authority in the caſe) it appeared that there were fewer abſentees in proportion to their number than was perhaps ever inſtanced in any public Aſſembly.

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tions and require (ſtill require) *ſtrong proofs*; and why are we to take up with the *aſſertions*, and *the proofs* to be reſerved for another place; we have patiently heard a great deal, and are ready to hear all that the gentleman has to ſay; and we do not ſee why we are not as worthy of *demonſtration* as the Houſe of Commons.

After telling us a hundred fine feats that your client would have performed, if the naughty Houſe of Commons had not hindered him, to conclude all, you aſſure us, *that his arguments would have been ſo irreſiſtible, his evidence ſo poſitive and deciſive, that thoſe who after this expoſure could continue to countenance the French inſanity, muſt not have been miſtaken politicians but bad men.* The gentleman then is in poſſeſſion of an infallible touchſtone to diſtinguiſh honeſt credulity from wicked pretence and refuſes to apply it becauſe the parties ſuſpected do not ſeem willing to abide the proof? With the ſpear of Ithuriel in his hand, etherial temper, he allows the deceiver under borrowed forms to infuſe his venom at leiſure without obliging him to ſtart up in his own ſhape confeſt? But if this were true, he muſt be a betrayer of his truſt, a ſleeper upon his poſt, a bad citizen, a bad man. We will therefore believe no ſuch thing. No, Sir, we are perſuaded

ſuaded that if *the Reflections* contain no ſtrong proofs, it is becauſe no ſtrong proofs can be adduced upon the ſubject; and that if nothing is there demonſtrated, it is becauſe the aſſertions ſet forth in it do not admit of demonſtration.

In order to judge on the propriety of the interruption given to Mr. Burke in his ſpeech on the Committee of the Quebec Bill, it is only neceſſary to know that the whole Houſe were unanimouſly of opinion, that a diſcuſſion of the French Revolution at that time and in that place was indiſcreet and improper. There are, I believe, very few men who would not have defered in ſilence to the general ſenſe of ſuch an aſſembly.

When you have ſtated the probable danger, *that ſpecious, untried, ambiguous proſpects of advantage may at any time recommend themſelves to the ſpirit of adventure, which more or leſs prevails in every mind*; you aſk, *what ſhould hinder Mr. Burke, if he thought this temper likely at one time or other to prevail in our country, from expoſing to a multitude eager to game, the falſe calculations of this lottery of fraud?* To this I will anſwer, without any fear of being diſavowed, that if the gentleman had done no more than this, with the decent ſpirit of enquiry in which truth is ever to be ſought, and with the perſonal modeſty which becomes a man who feels himſelf forced to cenſure the proceedings of a great nation,

tion, he would have received the praiſe and ſupport of the wiſe and ſober men of all parties. By ſuch a calm diſcuſſion, he would have ſerved the ſound part of the cauſe he wiſhes to maintain infinitely better than by all that intemperate zeal from which truth like a timid virgin always flies. By a manly reliance on plain reaſon, modified to the underſtandings of thoſe whom he choſe to addreſs, he would have done much more for his own reputation and character than by exhauſting all figure in invective and crucifying the language into new terms of reproach and abuſe; by bringing his own perſonal paſſions conſtantly into view; by *breaking with his beſt friends and joining with his worſt enemies.* Such a ſage conduct, ſuited to his age and *conſular* rank, and deriving from them much force and authority, muſt indeed have had great and due weight. But when he condeſcends to become a mere trumpeter of party rage——

Ære ciere viros Martemque accendere cantu——

When he goes about like another Peter the Monk exciting the tyrants of the earth to a new *cruſado* againſt the naſcent liberties of France *, all

* See *Letter from Mr. Burke to a Member of the National Aſſembly*, where after endeavouring to ſhew the propriety and neceſſity

all reſpect for his dignity, all deference for thoſe high qualifications with which we were ſo willing to ſuppoſe him endowed are loſt or ſuſpended. He has caſt away in his anger as a thing of no value the good opinion of the ſober part of mankind.

We at laſt arrive at ſomething like a poſitive charge. Mr. Fox is accuſed of deſcribing the French Revolution *as the moſt ſtupendous and glorious edifice of liberty which has been erected on the foundation of human integrity in any time or country*, whether theſe are the exact words uſed by Mr. Fox I do not know, nor is it material to enquire; but I know that theſe are words which no man can have any juſt cauſe to diſavow. Mr. Fox takes a large comprehenſive view of a great object, ſuited to the extent of his mind, and ſees it, as every wiſe and impartial perſon muſt ſee it, upon the whole, likely to contribute infinitely to the future happineſs

neceſſity for the princes of Europe "*on motives of ſafety to themſelves*," to march into France as the King of Pruſſia did into Holland, it is added. *If ever a foreign Prince enters into France he muſt enter it as into a country of aſſaſſins. The mode of civiliſed war will not be practiſed; nor are the French who act on the preſent ſyſtem to expect it.* This and the reſt of this ſhocking paſſage is I think one of the moſt melancholy inſtances I have ever met with how far a mind formed to better things may be perverted by the Demon of party rage.

and

and improvement of mankind. He sees the greatest and proudest of all arbitrary government destroyed, and he knows that under an arbitrary government men must for ever remain in a certain degree degraded and debased. He sees liberty expand itself at once over the finest part of Europe, and he is sure that liberty is the first of all civil advantages, the foster-nurse of every thing that is great or excellent among mankind. He sees in France free a security for the continuance of British freedom, and the future emancipation perhaps of the rest of the globe. In this view, he is well authorised to call this Revolution the most stupendous edifice of liberty that has ever been erected, for certainly no Revolution ever promised such extensive blessings to the human race; and there is no question here of examining in detail the means by which it has been effected, or of discussing any of the subtile niceties that have arisen in the investigation of its long and intricate process; in all this we, as Englishmen, have but little concern, and are in no way that I know of called upon to give judgement. Nor have I ever understood that Mr. Fox has praised or blamed any *particular* proceedings in France, except that he is reported to have expressed some admiration of patriotism uncommon indeed in soldiery, whorefused to quench the flame of

liberty in the blood of their fellow-citizens. It is thus and thus only, unleſs I am much miſtaken, that either "the conſtruction of the "new fabric or the demolition of the old" has ever been brought forward by Mr. Fox as a ſubject of conſideration; nor do I conceive that he has ever explained himſelf, as you ſay he has, *that it is the deſtruction only of the abſolute monarchy he commends*; or that he has ever denied that he admires the eſtabliſhment of a free conſtitution at leaſt as much as the deſtruction of the abſolute monarchy. I cannot believe that he meaned to recant any of the admiration which he expreſſed for the general tendency of this Revolution, admiration perfectly congenial with the ſtricteſt attachment to the principles of our own conſtitution. The friends to the character of Mr. Fox will not accept of your affected candour; they ſee more danger in your praiſe than your crimination; they had rather meet you as an open enemy than as a pretended friend.

None of us, you allow (fond of monarchy as we are) *love it abſolute and uncontroled**. But then

* How far it ought to be controled we learn from the authour of *the Reflections*.—"Every degree of power which "does not ſuppoſe the *total* abſence of *all* control and *all* re-"ſponſi-

then who could find in their hearts for the ſake of a little more liberty to diſtreſs ſuch arbitrary monarchs as "a Marcus Aurelius" or a "Trajan?"—For ſuch "a monſter as Nero," "drinking puddle with his wife Sporus" one might not indeed have been ſo much affected—but "the venerable Galba, with all his faults and errours," muſt needs have been an object of great commiſeration!—And is it really poſſible that you can have ſo warped your mind, as to conſider the fate of an individual, becauſe he wears a crown upon his head and a ſceptre in his hand, and ſits on a throne and is dreſſed in robes of ermine as of any conſequence when oppoſed to the well-being of the great maſs of mankind? that in a queſtion upon the happineſs and improvement of ſucceſſive generations, of the millions yet unborn, you can endeavour to divert our tender ſympathies towards a few purple tyrants who ruled mankind with deteſted ſway in the moſt diſgraceful period of their hiſtory and who have long ſince reſtored to the ſurrounding elements the vile atoms of which they were compoſed? How ſuch prejudice or perverſity can reſide in a cultivated and

"ſponſibility on the part of miniſters a king (of France) in "common ſenſe ought to poſſeſs." *See Letter to a member of the National Aſſembly.*

enlightened mind is ſurely difficult to comprehend.

To the new *tirade* againſt the French Revolution, which occupies pages 19, 20, 21, 22, I will ſay nothing; one may ring changes to eternity on any ſubject treated after this manner; for there is no propoſition however abſurd in whoſe favour ſome looſe analogies may not be produced, which when tricked out in rhetorical ornaments, make a tolerable ſhew to paſſing obſervation: what you here diſpatch in this crude way in three pages, would require deep and painful reſearch as well as great ſagacity to determine in a long volume; to contend with ſuch *verbiage* is to fight with the air.

In the beginning of your appeal you gave us an account of a conſpiracy from *the Morning Chronicle*; and here, pages 23, 24, 25, you preſent us with the hiſtory of a plot from *the Argus*. Plots and conſpiracies are to be ſure formidable things, but fortunately they loſe much of their terrour when their exiſtence is confined to news-papers, which dealing profeſſedly in the marvellous, and being not very ſolicitous of truth, are not always conſidered as the moſt indiſputable authority for facts. This news-paper plot is not however introduced without effect, and your management of it to fix an imputation while you allow the futility of the charge, is

ſufficiently dextrous—*His friend* (the Argus) *was ſeized with an apprehenſion that Mr. Fox might be made to paſs for a republican*—but you aſſure us, *you do not think there was any ground for this apprehenſion*—why?—*becauſe nothing could tend to make him paſs for a republican except he ſhould extol the ſtate of things in France*—and then you proceed to inform us *that he had taken the ground of high panegyric on the French ſyſtem, and that far from ſhunning, he had always induſtriouſly ſought occaſions for ſuch panegyric!* No anſwer lies to contradictions that thus "palter with us in a doubtful ſenſe;" but we will ſtate the fact for you as it really is and as it ſtands too in your own mind. You *do* think there is no ground for apprehenſion that Mr. Fox can with any face of juſtice be made to paſs for a republican from any thing that he has uttered concerning the French Revolution, becauſe you know that he has never brought into conſideration any of thoſe republican queſtions, which have but too much agitated the National Aſſembly, and which they may have frequently purſued too far; that his panegyric has been confined to general admiration of this event in a great and comprehenſive view, as likely to promote, I love to repeat the terms, the future happineſs and improvement of mankind. Little minds are fond of examining parts; to ſee

things in the whole, to judge of them in the great, requires genius; and though talents and abilities are frequent genius is infinitely rare. This man has elocution, that has wit, another poſſeſſes learning and knowledge, and a fourth is eminent for thoſe ſmall arts which captivate the confidence of mankind; in highly poliſhed ſociety ſuch qualifications are not confined to a few, and the ſituations for which they are requiſite may always be ſupplied out of the common herd; but that tranſcendant power of intellect, that rapidity of intuition, which pervades and illuminates the whole of the darkeſt ſubject at a ſingle glance; comparing at once every poſſible combination and invariably ſelecting the beſt; thoſe high feelings of the mind by which right is impreſſed on the heart as a ſentiment at the ſame inſtant that it is received into the underſtanding as a truth; where there is a ſoul to animate as well as a head to direct —this is GENIUS—equally rare in all ages, ſeldom underſtood at firſt, becauſe above the times which it is deſtined to enlighten and improve, and therefore undervalued; but ſure ſooner or later to find its level in the eſtimation of mankind. Of ſuch men it has been ſaid with very little of poetical fiction that they hold a middle ſtation between man of the common ſtandard and the higher orders of intellectual beings———

Sanctius

Sanctius his animal mentisque capacius altæ—

Such a man is Mr. Fox; and to such a man you attribute as a principle of thought and action the little ambition of coming into office; and advise him, *to restrain his mind by that reserve and prudence which ought to guide a man perhaps on the eve of being Minister!* But that Mr. Fox has any reason to expect to be *minister* neither you nor I seriously believe. I will go farther; the desire of being minister can have no predominancy in his mind; his friends may wish it, and that with him will be a mighty reason, but for himself, in the present situation of things, it would narrow his exertions, and might eclipse his glory; he only could or would come in as one of a party, abounding in persons of great talents and deserved weight; and though, I believe, no man was ever more loved and honoured by any party than Mr. Fox is by the whigs of the present day, he would neither expect nor desire to domineer over the whole; modesty belongs to great minds as insolence is the sure test of mediocrity; to be convinced of the fallacy of human reason and the uncertainty of human projects is one of the first lessons of wisdom; the strongest sight serves but to discover that we have seldom more than the choice of evils in

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our beſt reſolves, or more than a doubtful proſpect of good in our moſt auſpicious deſigns; of theſe reſolves and deſigns ſuch men will not be very tenacious; while thoſe who ſee things in a leſs comprehenſive or more intereſted view are apt to be obſtinately attached to their own ſenſe; and thus it commonly happens that bodies of men are governed, not by the moſt able, but by the moſt active and obſtinate of their members. But let us, if you will, ſuppoſe Mr. Fox at the head of a cabinet, ſeeing with his eyes, deferring to his reaſon, and ſupporting his concluſions; would he not ſtill have the dark and tortuous intrigues of a court to contend with? to confer any pure benefit upon the people is rarely indeed the privilege of a miniſter; if he wiſhes to do them good, he muſt bribe for their intereſt, and juggle for their ſecurity; the virtue of the intention will be loſt or contaminated in the baſeneſs and obliquity of the means. The excellent men * who in our own times have ventured into this dangerous poſt, relying upon thoſe principles of honour and generoſity which had guided their private lives, have always been preſently driven to ſeek in retreat the only refuge from diſgrace. Except when peculiar circumſtances may force the liberty of choice, not

* The Marquis of Rockingham and the Duke of Portland.

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republican but popular or patriotic principles must ever be *ipso facto* a disqualification for a station in which all freedom of thought or action beyond a very bounded line is perfectly inadmissible. Whatever may have been their former professions or engagements, all such pretensions must be deposited at the door of the cabinet as burdensome or offensive *exuviæ*, if men expect to remain there longer than till they have served the turn for which they are called into office. That Mr. Fox is not without ambition—"that last infirmity of noble minds"—I can easily admit; and that in some former period of his life he may have looked towards the ministry as an ultimate object of desire is far from improbable; in the grand departments of life, as in its more humble employments the best qualified minds must pass through degrees to superiority; to genius itself the peculiar education of the thing must be superadded. Mr. Fox has not leaped at once upon the high ground on which he stands; nor has he been "hurried up so many miles aloft" by the specific levity of inflamable air or putrid gas; he has advanced to his situation with a firm and progressive step, "steering right onward" and "bating no jot of heart or hope;" and though no prophet, I will venture to predict that in every succeeding season of his life he will

will rise still higher in merit and in fame. In the common current of affairs, great powers of mind are much more requisite in administring for the people in parliament than in conducting the hacknied routine of official government, and certainly this kind of ministry is better suited to the inclination as well as the abilities of Mr. Fox. If ever he does take an office under the Crown, he must either be called up to it by general acclamation, in some hour of distress or danger, which Heaven avert! or else he must come in, not only with his party, but with all the principles and political tenets for which they stand pledged to the public; as a member of a whig patriotic ministry; and in either of these cases, as an individual he must make a sacrifice of his ease, his liberty, his tranquillity, perhaps of his good-humour, and eventually of some part of his fame; he must exchange the free and liberal exercise of his talents for more servile and contracted duties. From this exposition, in which the rare pleasure of contemplating a great man may perhaps have led me too far, it must, I think, appear that those who describe Mr. Fox as eager to come into place, or likely to restrain his public services by "that reserve and prudence which ought to "guide a man perhaps on the eve of being mi-"nister," either miserably misunderstand or misre-

misrepresent his character, and there was a time when your friend would have been the last man in the world whom I should have suspected of such misunderstanding or misrepresentation. For the rest, your pretensions are surely not a little extraordinary. You form a charge, after your own fashion, picked out of a fragment of a newspaper, and then complain, that *the nature of this charge is difficult to understand.* That there is indeed, as you say, *a strange confusion of ideas upon this subject* is very true; but the confusion is all of your own creating. To clear up this studied confusion, it is only necessary to recapitulate, that Mr. Fox has always confined himself to the Revolution in France as a general subject; and that your client has, on the contrary, indulged himself in every sort of personal and particular outrage and abuse upon men and things in that country. If the gentleman did *early in the preceding session*, as you say, *give notice to Mr. Fox that he should consider any voluntary descant in praise of the French Revolution as an oblique attack upon himself*; if by this notice he pretended to preclude him or any other person from giving with decency a general opinion upon this great subject; it must be confessed he assumed a very presumptuous quixotism totally unwarranted by any rights of friendship or connection. If on the other

hand it appeared to the whole party and the whole Houſe utterly indecent and improper to arraign the National Aſſembly of France in a Britiſh Houſe of Commons, they were neceſſarily and of force called upon to expreſs their diſapprobation of ſuch a proceeding; they had no choice but either to acquieſce in ſilence or to mark their diſſent; whether during this unhappy diſcuſſion the gentleman or Mr. Fox diſcovered the moſt of reluctant concern at differing with his friend; which of the two was animated with the warm feelings of ancient affection, and which hardened by pride and anger to caſt off all ſentiments of paſt regard; thoſe beſt can tell who had the misfortune to be preſent at this ſad ſcene. If we who were not there are to judge of the feelings of your friend by the temper in which the preſent *Appeal* is written, the judgement will not, I fear, be favourable to his candour or moderation; for nothing, I think, can be more wayward or leſs ingenuous than your repreſentation of a circumſtance implying in all reaſon and common ſenſe the direct contrary of the diſpoſition you endeavour to infer from it. Your client in a paroxyſm of rage deſpoils himſelf of every mark of affection and regard for his old friends and aſſociates, and caſts them in their faces. Mr. Fox, under the ſhock of ſuch ungoverned exceſs,

ceſs, in the fullneſs of his heart, endeavours to recall the alienated feelings of his friend by bringing to his recollection ſome of thoſe ſentiments upon which their minds had always hitherto correſponded. What could be more natural than this? or how was it poſſible to foreſee, that inſtead of attempting to reconcile his modern tenets with his ancient opinions, the gentleman would conſider the very mention of theſe old forſaken doctrines as a mortal offence? Mr. Fox, in his place, had more than once, in a manner not eaſily forgotten, taken a pleaſure to acknowledge how much his youth had been indebted to the ſociety and friendſhip of this gentleman; and he could not then ſuppoſe that he did him any injury in imputing to him ſentiments the deareſt to his own heart, the pride and boaſt of his own political career. Yet in this circumſtance, ſo ſimple and natural, could the jaundiced eye of anger diſcover a ſettled deſign, *of fixing upon him the foul crime of teaching a ſet of maxims to a boy, and then of abandoning the diſciple and the doctrine; of publicly repreſenting him as a man capable of abuſing the docility and confidence of ingenuous youth; and of diſgracing his whole life by a ſcandalous contradiction of every one of his own acts, writings, and declarations*; and you ſum up all by giving great praiſe to this man of temper and modera-

tion, that when thus attacked, *he neither attempted to criminate or recriminate* though you insinuate that he had it in his power—But let us hasten from these odious personalities; the discussion of them is really a very painful task.

Pages 31, 32, by way of apology, for what you must therefore allow to exist, the seeming tendency of *the Reflections* to anti-popular or tory principles, you state, *that it is reasonable when one of the branches of the constitution appears endangered, to support that, without any reference or regard to the other two; that it is natural, in the anxiety for the preservation of this object of immediate solicitude, to seem to undervalue, to villify almost to reprobate and disown, those that are out of danger.* Upon this passage, there are, I think, two observations to be made—that when the gentleman compares himself to the venerable Priam, the monarchical branch of the constitution is his *Hector*—the *spes fidissima Teucrum*—and that those who conceive the popular part of the constitution to be in danger of being swallowed up in the influence of the crown, (and you cannot suppose the existence of such mistaken men wholly impossible) have just as good a right to forget the monarchy as the gentleman has to forget the democracy; and if Mr. Paine thinks the crown too strong and the popular representation too weak, *in undervaluing*

luing, vilifying, reprobating and diſowning the crown, he does no more, according to you, than *follow the voice of nature and truth.*

Pages 34, 35, you bring paſſages from ſome of the gentleman's ſpeeches, made many years ago, in which he declares himſelf *a lover of liberty connected with order—of good and ſteady government—attached to our great and ancient monarchy—of a diſpoſition to ſteer between the perilous extremes of ſervile compliance or wild popularity.* If he had always written thus, I am perſuaded the whole party would moſt willingly have ſubſcribed to his ſentiments; their objections to *the Reflections*, and *the letter to a Member of the National Aſſembly* are that they go much beyond theſe wiſe and wholeſome principles; it is not this, but what is more than this the party have thought neceſſary to diſavow.

Page 40, you aſk, *is it for any thing Mr. Burke has ſaid or done relative to the American war, that he is to enter into an alliance offenſive and defenſive with every rebellion, in every country, under every circumſtance, and raiſed upon whatever pretence?* Who has required from him any ſuch thing? nothing is more eaſy than to defend ourſelves when we are allowed to ſtate the accuſation in our own manner and terms. During the American conteſt, he maintained, alas,

alas, how admirably maintained! what you ſtill ſeem to allow for that country, that monarchy and liberty having been made incompatible, liberty was to be preferred to monarchy; and he has ſince maintained, with luſtre viſibly impaired, that in France a deſpotic government ought to have been preferred to the injuſtice and exceſs perhaps neceſſarily attendant upon a fundamental change of government. Here the inconſiſtency is apparent. If civil liberty may be purchaſed with all the horrours of a ten-years civil war in one country, upon what grounds will you deny the ſame privilege to another? The caſe indeed of America is in all reſpects ſtronger than that of France; for there never was any queſtion there of a deſpotiſm in any degree approaching to that of the late French government and the form they have actually eſtabliſhed in America is a pure republic. Till you can therefore ſhew how an American *inſurgent* differed from a French *democrat*, ſo that one might be a legitimate object of praiſe and ſupport while the other excites nothing but deteſtation and contempt, your client muſt, I think, be content to paſs at beſt for an inconſiſtent man.

Page 41, we cannot but learn with infinite edification that the influence of the crown *which was once too great is now reduced to a ſtand-*

ard with which they who wished to go fartheſt in the reduction ought to be ſatisfied; that *that power* which is deſcribed in the *Thoughts on the Cauſes of the preſent Diſcontents to have grown up anew in the place of prerogative with more ſtrength and far leſs odium under the name of influence*; *which operates without noiſe and without violence*; *an influence which converts the very antagoniſt into the inſtrument of power*; *which contains in itſelf a perpetual principle of growth and renovation, and which the diſtreſſes and the proſperity of the country equally tend to augment*, has been reſtrained ſo as to content thoſe who wiſhed to go fartheſt in the reduction of it, by the defalcation of a few paltry offices, and turning a few old harmleſs ſervants into the ſtreet.

Pages 43, 44, the gentleman does not admit *that the French have acted under any dread of arbitrary power that lay heavy upon the minds of the People. He has been lately in France*; *and he founds his opinion on what he ſaw and obſerved while he was there.* To the obſervation of one man the obſervation of another may be fairly oppoſed; the authour of this pamphlet has alſo at various periods of his life paſſed ſome part of his time in France, and the impreſſion left upon *his* mind is quite different from that which is the reſult of your client's obſervation. To *his* view, that fine country has always appeared

peared to languiſh under the evils of a vicious conſtitution; preſenting an odious contraſt between the higher and lower orders, an inſolent imperious nobility, and an oppreſſed and ſuffering people; and totally deficient of the middle independant rank, the ſtrength and ſinew of a nation. All penury and privation on one ſide, rendered ſtill more bitter and poignant by the faſtidious, offenſive luxuries of the other. Nor have the morals of this military monarchy appeared better than its political conſtitution. Among the great, perſonal bravery, and the point of honour founded upon it, were the only qualifications for which the favour of the court did not offer much more than an equivalent. All the civil and domeſtic virtues were conſigned over to the people, the *canaille* as objects of contempt and ridicule, under the title of *qualités bourgoiſes*, a phraſe to which, thank God, our language furniſhes nothing ſynonimous. In a word, virtue was a uſeleſs incumbrance to the great whom the want of it could not debaſe; and offered no incitements to the little who could not be elevated by its poſſeſſion*. One

* In the French vocabulary, all the adjectives belonging to virtue were transferred to rank and conſideration. *Honnette gens—gens comme il faut—la bonne compagnie—le bon ton*, &c. &c.

half

half of the nation was *above* and the other *below* its influence.

If theſe things have appeared in ſuch oppoſite lights to the authour of *the Reflections* and the writer of this pamphlet, it is not extraordinary that their concluſions on the French revolution ſhould be ſo different; which of the two has ſeen the objects neareſt to what they really are it does not belong to either of them to determine; but I cannot avoid making one remark with which I am much ſtruck, that when I ſee a man qualified like the right honourable gentleman venture publicly to praiſe, and in a great degree to approve, the military monarchy of France, I think it time more than ever to return thanks to Heaven that this dangerous neighbour is removed a little farther from our doors.

Page 36, you invite your whig readers to turn to *the Reflections* from p. 20 to 50, and afterwards to certain extracts which you give as from Dr. Sacheverel's trial, and this I am ready and willing to do with all the attention and ability I can command and I am ſure with the utmoſt candour.

The great and eſſential difference between the whigs of all times, and authour of *the Reflections*, appears to be, that the whigs have always conſidered the Revolution in 1688 not only as a great paſt event but as a great future example;

ſtanding upon a broad conſtitutional principle; to be again repeated, if again called for by any new *endeavour to ſubvert the conſtitution*; *to break the original contract*; *or to violate the fundamental laws*: Whereas the authour of *the Reflections* uſes every ſort of argument to narrow the baſis of this Revolution; to confine its principle to that ſingle tranſaction; to proteſt againſt it as a precedent; to invalidate the right of the nation ever again to apply this remedy to any future malady of the conſtitution. I will begin by ſtating ſome of the opinions from this part of *the Reflections* to which you refer us; and which appear to be totally oppoſite to what I have always conceived to be whig principles.

It is aſſerted *Reflections* page 23 that the Revolution of eighty eight, being *a mere caſe of neceſſity*, is not *a rule of law*: but the whigs, I believe, always have conſidered it not merely as a caſe of neceſſity, but as a rule of law alſo.

The authour farther ſays, page 24, that the accepting King William *was not a choice but an act of neceſſity in the ſtricteſt moral ſenſe in which neceſſity can be taken.* Now the whigs, I conceive, have always held that King William was not forced upon the people, but called to the throne by the free voice of the beſt and greateſt part of the nation.

The

The gentleman proceeds to maintain, page 27, *that though the nation was in ſome ſenſe free at that time to take what courſe it pleaſed for filling the throne, it was only free to do ſo upon the ſame grounds on which they might have wholly aboliſhed their monarchy and every other part of their conſtitution:* but the whigs, I think, have always conſidered the Revolution as differing eſſentially from a *Rebellion* in this; that the former proceeded upon grounds perfectly legal and conſtitutional; poſitive *rights*, not at all reſembling a mere *power* to do any thing unconſtitutional or wrong, much leſs to aboliſh the monarchy or entirely to deſtroy the conſtitution; and that the latter muſt ever be juſtified by the abſolute neceſſity of the caſe only*; they have, unleſs I am groſsly miſtaken, invariably conſidered what paſſed at the Revolution as a ſtrict exerciſe of rights always poſſeſſed under the Engliſh conſtitution, and at that time particularly declared and aſſerted; one of which, among many others, is, to take ſuch a courſe as was then

* Neceſſity, though apparently a poſitive term admits of certain degrees of compariſon. If I kill a man who is going accidentally and unknowingly to cauſe my immediate death I am juſtified by the neceſſity of the caſe only. But if I kill one who is about to murder me intentionally, I am not only juſtified by the neceſſity of the caſe, but by a previous eſtabliſhed right, acknowledged and provided for by the laws.

taken, for filling up the throne, become vacant by a breach of the King's contract, in the manner the moſt likely to ſecure their conſtitutional rights and liberties.

The authour of *the Reflections*, page 29, conſiders the principles of the Revolution as *an occaſional deviation from the conſtitution*; *not as a fixed rule*; the whigs have, I believe, always conſidered them as a fixed rule and not as an occaſional deviation.

He ſays, page 33, *that it was the conſtitutional policy, at the Revolution, to form an eſtabliſhment which ſhould preclude a choice of the people for ever.* To be ſure it was their buſineſs to put things upon the moſt laſting and ſolid foundation they could; but a ſimilar occaſion to that which operated at the Revolution remaining after every precaution a ſtill poſſible event, the whigs will, I think, contend, that the nation is now and always has been juſt as free, if ſuch an occaſion ſhould ariſe, as it was then, to uſe the ſame means to ſecure the conſtitution that were made uſe of in the year 1688.

Page 38, the gentleman conſiders the Revolution as *a parent of ſettlement only:* And the whigs ſeem not only to conſider it as a declaration of right alſo, but to value it at leaſt as much on this account as the other.

He asserts, pages 39, 40, *that they who led the Revolution thought the constant inspection of parliament* and the practical claim of impeachment infinitely a better security for constitutional liberty* than the RESERVATION of *the right of cashiering* † *their governours* ; by which he would seem to infer or insinuate that they did at that time give up this right which they previously possessed; (for they could not have *reserved* what they did not possess) and to have commuted it for parliamentary inspection and impeachment; but I am persuaded that all whigs, new and old will utterly deny that these leaders of the Revolution did or could relinquish or commute any of the people's constitutional rights.

Speaking of the deposing of James, the writer of *the Reflections* contends, page 43, *that the question of dethroning a king is an extraordinary question of state and wholly out of law*; *a question of dispositions and of means and of probable consequences rather than of positive rights*; whereas I

* If they thought so it appears they were much mistaken in the event—according to Mr. Burke, " *the control of parliament upon the executive power has been long already actually lost, because parliament is made to partake in every considerable act of government. See Thoughts on the Cause of the present Discontents, p.* 70.

† An ill-sounding untechnical expression of which the right honourable authour has not disdained to take advantage.

think

think the whigs will especially maintain that the great characteristical mark which distinguishes the Revolution in 1688 from rebellion or usurpation is, that it was not a question of state but wholly a question of law. Not a question of dispositions and means and probable consequences, but totally and exclusively a question of positive rights.

The gentleman states, page 42, by very palpable implication, that the Revolution was *a case of war* and *not of constitution*; and the whigs will I believe certainly insist that it was in itself a case of constitution only, to which war was merely accessary and fortuitous.

He calls it, page 43, *a critical, ambiguous, bitter potion*; and they I believe deem it a safe, sound, efficacious specific.

To sum all, you roundly and fully assert in your appeal, page 57, as *the doctrines laid down in Mr. Burke's Reflections, that the Revolution was justified* ONLY *upon the necessity of the case*; something indeed you add about the breach of the original contract, and the fundamental subversion of the ancient constitution, which as far as it is intelligible seems to contradict your positive assertion, because if it can be justified *at all* upon legal and constitutional grounds it is false to say that it can be justified by necessity ONLY; but you return to your favou-

favourite position, *that it can be justified by necessity only*; a position upon which I am willing to meet you at issue before all the whigs, past, present, and to come.

The gentleman, in *the Reflections*, seemed once inclined to rest the whiggism of his doctrines upon their conformity with those laid down by Lord Somers. But Lord Somers defended and supported the Revolution almost wholly upon legal and constitutional as the best and safest ground; and dwelt but little upon necessity which is generally a doubtful claim and ever a dangerous reason of state. He did not chuse to found his plea upon that positive and immediate danger of destruction which changes rebellion into self-defence; that absolute coercive necessity, which leaving no choice of action, supersedes all right and absolves from every tye, and by which the worst crimes may be justified: This great man rather shewed what the nation had a right to do according to the laws and the constitution, and what, under this right, it ought to do of free choice. He sought to lay the great fabric of the Revolution upon the deep and solid basis of law; not upon the vague indefinable plea of necessity. It was his peculiar care that what was then settled should be claimed and asserted by the nation as a *birth-right*, and not merely obtained,

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like magna charta, by the force and terrour of arms; not wreſted from the tyrant by his knights and barons with harneſs on their back, but claimed declared and determined by the wiſe men in their robes of peace*. Lord Somers is therefore given up in *the Appeal* and we hear no more of him. The manager of Mr. Haſtings' impeachment now chuſes to have his cauſe tried by the managers of the impeachment of Dr. Sacheverel.

The firſt conſideration that offers itſelf upon this new ſelection of judges is that it exceedingly narrows the ground of your client. At the Revolution the principle itſelf was tried in its proper form, whereas at the impeachment of Dr. Sacheverel it was only brought forward incidentally and in proof. The doctor was accuſed of having preached againſt the legality of the Revolution, ſo that provided his accuſers proved its legality they were at liberty to do it upon what plea appeared to them moſt expedient and convenient to the times and the temper of the nation. That the Revolution was a neceſſary as well as a juſt and con-

* The authour has ſhewn elſewhere that the doctrines of *the Reflections* are not only not thoſe of Lord Somers, but that they are actually the tenets maintained on the oppoſite ſide by Lord Nottingham and the Biſhop of Ely. *See Letter to Mr. Burke by Sir B. B.*

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ſtitutional proceeding cannot be denied, and if in thoſe high tory days the whigs thought that to inſiſt upon the neceſſity rather than the right was more conciliatory and likely to comprehend a larger deſcription of perſons, they acted wiſely and prudently, in the choice of their means, to ſelect ſuch as were beſt adapted to carry the point they had in view, which was to ſupport the legality of the ſucceſſion eſtabliſhed at the Revolution. It was ſufficient for their purpoſe that the legiſlature ſhould declare it a high crime and miſdemeanor to deny the legality of that ſettlement, and perfectly indifferent to this object whether this legality was conſidered as eſtabliſhed on the ground of neceſſity or right. If therefore they had brought forward the neceſſity only, and taken no notice at all of the claim of righ tor the leading conſtitutional points aſſerted and recogniſed at the Revolution, no inference could be drawn from this prudent ſilence and reſerve that the whigs did not admit theſe claims; but what ſhall we ſay when we find them all actually ſtated and affirmed and maintained in the very citations you bring in proof that they have been abandoned and forgone?*

* While I was writing, I had no opportunity of conſulting the trial, and was therefore obliged to argue upon your own

 ſtate-

Mr. Lechmere, with whom you advance the first, *clearly and openly asserts the foundation of the whigs.* What are these *foundations? that our constitution is a limited monarchy,* (limited by law) *that the supreme power is communicated* (held in common) *and divided between King, Lords, and Commons,* (whose rights are therefore coequal) that there exists *an express original con-*

statement. I have since read it, and I find that the managers did indeed confine themselves chiefly to the *necessity* of the resistence used at the Revolution, because the accusation almost wholly turned upon this point---this may be understood by stating shortly the two arguments.

The Dr. says, " The grand security of our government " and the very pillar upon which it stands is founded upon " the steady belief of the subjects' obligation to an abso- " lute unconditional obedience to the supreme power and the " *utter illegality of resistance upon any pretence whatsoever*; that " to impute (therefore) resistance to the Revolution is to " cast black and odious colours upon it." (for the Doctor himself affects to admit of its legality on the principles of the throne being vacant) so far he asserts, and then leaves the necessary inference to be drawn, which is---that it being a notorious fact, that the Revolution *was* brought about by resistance, it *ought* to be painted in black and odious colours.

The managers on the contrary maintain, that " according " to the ancient legal constitution of the government of this " kingdom, the subjects of this realm have not only a right " in themselves to resistance whenever the executive power " endeavours the subversion of it, and that resistance for this " purpose is strictly legal"---The NECESSITY of the resistance by which the revolution was brought about was therefore all they had to prove.

tract

tract between the Crown and the people by which the supreme power is, by mutual consent lodged in more hands than one—that the consequences of such a frame of government obviously are that the power of the Crown and the obedience of the subject are both equally subject to the laws; by which law if the executive part endeavours the subversion and total destruction of the government the original contract is thereby broken and THE RIGHT OF ALLEGIANCE CEASES—*that the part of the government thus fundamentally injured hath a* CONSTITUTIONAL AND LEGAL RIGHT *to save or recover that constitution in which it had an original interest*—that *the nature of such an original contract proves, that there is not only a power in the people, who have inherited this freedom, to assert their own title to it, but* THEY ARE BOUND IN DUTY *to transmit the same constitution to their posterity also.*

If these were the *foundations* of your client he would indeed be a sound and excellent whig; but your object in stating these truly constitutional principles is, as it afterwards immediately appears, to reduce them all to the common level of all resistance to any insupportable evil without distinction, by confounding them all in the general common term of *necessity*. But surely, Sir, when you so emphatically and triumphantly present to our view the words NECESSARY and

NECESSITY from the ſpeeches of theſe gentlemen, you muſt yourſelf be aware that you would pay but an ill compliment to the attention and ſagacity of your readers if you ſuppoſed that they would not perceive that theſe words are there applied ſolely in juſtification of *the means*, by which the Revolution was effectuated, and not at all of the *right* then exerciſed. *A foreign Prince at the head of foreign forces, invited and introduced into the kingdom—the enterpriſe to deliver the kingdom with an armed force—many of all ranks and order appearing in arms*—were circumſtances that certainly did require to be juſtified by the neceſſity of the caſe; as *means*, though violent in themſelves, yet abſolutely requiſite for the preſervation of "the ancient and indubitable rights of the people," as the only way in which the people could exerciſe their rights with any efficacy; and theſe *means* as Mr. Lechmere obſerves ought certainly to be juſtified with "great caution," and "ſtrictly confined to the neceſſity of the caſe."

General Stanhope, another of the managers, ſays, that at the Revolution *reſiſtance was neceſſary and conſequently juſt.* But how and why? *Becauſe the conſtitution of England is founded upon compact, and the ſubjects of this kingdom have in*

their

their ſeveral public and private capacities as legal a title to what are their rights by law as a prince to the poſſeſſion of his Crown; and of conſequence to uſe ſuch means as are neceſſary for the preſervation of theſe rights.

Sir Joſeph Jekyl whom you ſeem to mark as the prototype and model of your friend, but whom I think he will not reſemble in being conſidered as the *ſtandard of whig principles in this age*, juſtifies the reſiſtance at the Revolution, *but he will not put any caſe of juſtifiable reſiſtance but that of the Revolution only. Where the law has been wiſely ſilent he deſires to be ſilent too*; ſo that you ſee he conſiders the *law* as having ſpoken; the LEGALITY OF RESISTANCE as eſtabliſhed, in that caſe, and in confining himſelf to this caſe excluſively he ſhewed I think great judgement, for it is a caſe great and broad enough to cover almoſt every neceſſary occaſion, whether conſidered in its *principle* or the *means* by which it was brought about. In its *principle*, which is, that whenever the King endeavours to "ſubvert the conſtitution" or "violate the fundamental laws" "the right of allegiance ceaſes"—In the *means*, juſtifying as neceſſary reſiſtance by force of arms and even inviting aſſiſtance from without. The *words* of the one and the *acts* of the other for every

uſeful purpoſe are ſufficiently general and comprehenſive and ſtrong.

Mr. Lechmere inſiſts, *that the ſupreme power is divided between King, Lords, and Commons*—that *the terms of the conſtitution do not only ſuppoſe but expreſs an original contract between the Crown and the people, by which the* SUPREME POWER *was by mutual conſent and not by accident* LODGED IN MORE HANDS THAN ONE—But if this is ſo, your poſition, *that all inſtitutions whether ariſtocratic or democratic originate from the Crown—that from thence they derive their* WHOLE *legal effect cannot be true.*

He farther ſtates *that there is a common meaſure of the power of the Crown and the obedience of the ſubject—that when the executive part endeavours to ſubvert the government, the original contract is therefore broken and the right of allegiance ceaſes*—and he proceeds to maintain in terms extremely ſtrong and clear—*that the nature of ſuch original contract of government proves that there is not only a power in the people who have inherited this freedom to aſſert their own title to it, but that they are bound to tranſmit the ſame conſtitution to their poſterity alſo.*—But if this be true, then the aſſertion contained in *the Reflections, that whatever right of interrupting the here-*

hereditary ſucceſſion the people might have poſſeſſed before the Revolution, the Engliſh nation did at that time moſt ſolemnly renounce and abdicate it for themſelves and their poſterity for ever—as well as that other poſition maintained in the ſame work —*that the framers of the Declaration of Right conſidered the conſtant inſpection of parliament, and the practical claim of impeachment, an infinitely better ſecurity not only for their conſtitutional liberty, but againſt the vices of adminiſtration than the reſervation of a right ſo difficult in practice, ſo uncertain in iſſue, and often ſo miſchievous in the conſequences as the right they were at that very moment exerciſing*, muſt be falſe *,

During

* It does not only appear that thoſe who ſupported the principles of the Revolution went upon foundations very different from thoſe laid down in *the Reflections*, but that the oppoſers of the new eſtabliſhment uſed at that time the ſame mode of arguing which is there employed. Pending the proceedings of the Convention Parliament a treatiſe was publiſhed, I think by Somers, entitled *An Enquiry into the Meaſures of Submiſſion to the Supreme Authority*, in which thoſe tenets maintained by the whigs, and afterwards carried into action and finally eſtabliſhed by the declaration of right, were ſtated and explained. This was anſwered on the part of the tories by Sir Charles Sedley, a leading man amongſt them, and a very ingenious and accompliſhed gentleman, in a publication entitled *Reflections upon our late and preſent Proceedings in England*. I deſire the reader to compare the following

During two generations after the Revolution, the political parties were chiefly diſtinguiſhed by three denominations, jacobite, tory, and whig,

ing extracts from *the Reflections in* 1688, with the correſpondent parts of *the Reflections of* 1788.

After ſtating that he "ſhall take it for granted that the "Prince of Orange hath done a great thing for us"—that "he hath, under God, wrought ſuch a deliverance for the "nation as ought never to be forgotten, and can never be "ſufficiently requited"—"that all orders of men, eccleſiaſ-"tical, civil, and military, had their eyes fixed upon the "Prince of Orange as their common deliverer,"—that the "nation had by general conſent" put the "regal admi-"niſtration in his hands,"---He adds, ſo far we have gone; "this we have done; and *we hope that (the caſe being extraor-"dinary and neceſſity giving a diſpenſation) the intent of our "proceeding will at leaſt excuſe if not juſtify us, if we have not "kept ourſelves within the common laws of action.*"

"For let every man lay his hand upon his heart and ſeri-"ouſly aſk himſelf for what reaſon and with what intent he "became a party in this general defection." Was it utterly "to ruin the King and ſubvert the government? Was it "becauſe he was diſpleaſed with the ancient conſtitution and "had a mind to mould and faſhion it to his liking: Was it "becauſe he had an intent to ſhake off the government (that "eaſy equal well-poiſed and never enough to be commended "government as King Charles I. called it) of the Engliſh na-"tion? Was it any honeſt man's meaning to ſubvert this "government to make way for his own dreams of ſome po-"etical golden age or fanciful Millenium?

"Was it, let me aſk again, to diveſt the king of all "power to protect his ſubjects, and then to pronounce roundly

whig. The jacobites held for the perſon and family of James, for paſſive obedience, non-reſiſtance, and divine hereditary right, and refuſed all allegi-

" roundly that all the bonds of allegiance to him are diſ-
" ſolved? Was the end of our uniting together to bind his
" hands, and then prick down this doctrine with the points
" of our ſwords that protection and allegiance are duties ſo
" reciprocal that where one fails wholly the other fails with
" it?

" What? is it to frighten the king out of his dominions,
" and to vote that he hath abdicated the goverment? Was
" this the intent and theſe the reaſons of our declaring for
" the Prince of Orange? No, certainly; whatever ſome ob-
" noxious and ambitious men might aim at, all good chriſ-
" tians and worthy patriots had other intentions and were
" led by other motives.

" They were ſenſibly concerned for the preſervation of
" their holy religion in the firſt place, their lives and laws
" and liberties in the next. After the way which ſome call
" hereſy were they ſtill deſirous to worſhip the God of their
" fathers, and after the manner which ſome might ſay was
" rebellion, they thought themſelves obliged to ſtand up for
" the laws of their forefathers. *The Enquiry into the Mea-*
" *ſures of Submiſſion to the Supreme Authority* is a treatiſe
" calculated for the times; but ſurely it is not written
" according to the principle and practice of the church of
" England in the time of the renowned Queen Elizabeth:
" I am apt to think that ſome regard was then paid to the
" paſſages which we find in the ſcriptures, eſpecially the Old
" Teſtament relating to the meaſures of ſubmiſſion——
" I am apt alſo to ſuſpect that Queen Elizabeth would
" not have thanked any politician for vending this as a cer-
" tain and fundamental principle, *that in all diſputes between*

allegiance to the new ſettlement; and the greater part of them were inclined to popery: whereas the tories, though they conſidered the Revolution

" *power and liberty power muſt always be proved but liberty* " *proves itſelf, the one being founded only upon poſitive law, and* " *the other upon the law of nature.*" She, I perſuade myſelf " on the contrary, would have challenged any ſuch ſtateſman " to have proved his liberty, as for her power ſhe would " have anſwered it was ready to prove itſelf againſt any who " ſhould preſume to queſtion it.

* * * * * * * * * * *

" I beg the learned authour's pardon for queſtioning his " meaſures: in my judgement they are not taken from the " Engliſh ſtandard; and therefore I hope I may without of- " fence uſe my liberty in refuting them (a right which proves " itſelf) till he can prove his power to enforce them."

* * * * * * * * * * *

This doctrine—*that it is certain that the reciprocal duties in civil ſocieties are protection and allegiance, and whenever the one fails wholly the other fails with it*, which I have mentioned before, I ſhall now conſider a little more particularly

* * * * * * * * * * *

" Let this queſtion be ruled by his own inſtance the duty " between the father and ſon. Suppoſe my father to be ſo deſ- " titute that he cannot, and ſo preverſe that he will not pro- " tect and ſuſtain me, ſuppoſe him as churliſh as Cain, and " as poor as Job, yet ſtill he is my father and I am his ſon, " that is he retains all the power which by the law of nature " a father ought to have over his child, ſtill the relation holds " between us; and while it doth ſo the father's faults or ne- " ceſſities cannot evacuate the duty of a ſon which is not in the " father's good will or ability to defend (though it muſt be " confeſſed they are chiefly conſidered) but in that fixed and

" immu-

tion ſtrictly ſpeaking as a ſucceſsful rebellion, and the new eſtabliſhment as a uſurpation, were always willing enough to compromiſe the matter by allowing the *neceſſity of the caſe*, and leaving the principle wholly out of view; and they were fond of reſting this neceſſity chiefly upon the preſervation of the church of England, as oppoſed to the toleration of the diſſenters, and under the cover of the curious diſtinction of a king *de jure* and *de facto* they took the oaths to the new ſettlement, and gladly accepted of truſts under it.

" immutable relation which God has placed between them,
" not to be diſſolved but by death, ſo that if this authour will
" yield as he ſeems to do, that kingly power is nothing elſe
" but the paternal conſigned by the common conſent of the
" fathers of families upon ſuch and ſuch conditions ſpecified
" in the contract, I cannot ſee how this relation between
" king and ſubject can any more be utterly diſſolved than
" between a father and his ſon

* * * * * * * * * * *

" If the king can die it is ſuch a defect in our government
" as doth ſtrangely diſparage it, and farther ſuppoſes (which
" hitherto we are all to learn) that the crown is not ſucceſſive.
" Now if it be ſucceſſive it cannot be diſpoſed by the peo-
" ple, but only by the will of God

* * * * * * * * *

" Let it be here obſerved, I do not diſpute whether the
" king, together with his parliament, may not regulate and
" intail the ſucceſſion as by them is thought fit, but only whe-
" ther while the king lives the throne can be vacant and the
" government be ſaid to be truly lapſed? This we deny——

But the whigs on their part maintained plainly and ſimply that the Revolution was a matter of conſtitutional right—that when the King attempts to go beyond the powers given him by law reſiſtance in the people is a legal and conſtitutional claim—that in this caſe allegiance ceaſes—the contract is broken—and that all means neceſſary to preſerve their undoubted and hereditary rights are juſtified by law and the conſtitution*.

To which of theſe three claſſes does the authour of the Reflections belong? Not to the jacobites, becauſe he conſiders the hereditary right though indefeaſible not divine. Not to

* By the doctrines of Reflections and the tories the application of this great event to deter future kings from liſtening to evil councils againſt the liberties of the nation is wholly done away.

Is it by telling a king that comes to his crown in contempt of the choice of his people—that the hereditary ſucceſſion can in no caſe be interrupted or changed but in the ſame manner as the whole conſtitution may be diſſolved—that whatever right of this ſort the people might once have poſſeſſed they poſſeſs it no longer—or by telling him that he holds his crown by contract with his people—under the expreſs agreement to maintain the conſtitution and the fundamental laws—which if he violates the allegiance ceaſes—that government is a truſt which may be renounced by acting contrary to it—is it I ſay the firſt or the laſt of theſe claims or poſitions that a king is moſt likely to be bound to a due obſervance of the rights of the people?

the

the whigs, becauſe to acknowledge the mere moral neceſſity for the Revolution only, without admitting its conſtitutional principle, no more makes a whig than ſimple belief does a chriſtian; the tories will not deny this ſort of neceſſity, and the devils themſelves believe and tremble. He is then neither more nor leſs than a *tory*. From *the Reflections*, the *Letter* and the *Appeal* a very good ſet of canons of toryiſm might be actually ſelected; as for example:

1. That as the King holds his crown wholly independant and in contempt of the nation.*

2. That the ariſtocratic and democratic parts of the conſtitution originate with and derive all their legal power from the king.†

3. That the people of England have in no caſe whatever any more right to alter or interrupt the hereditary ſucceſſion once eſtabliſhed, than they have wholly to aboliſh their monarchy and every other part of their conſtitution ‡.

4. That conſequently the Revolution was a deviation from the conſtitution, to be juſtified only by mere poſitive neceſſity. §

5. That the ſettlement on King William was an act of neceſſity not of choice. ||

* Reflections,
† Appeal, p. 46.
‡ Reflections, p. 27.
§ Appeal p 57, Reflections, 29.
|| Reflections, p. 24

6. That

6. That the depoſing of King James was an act of war and wholly out of law *.

7. That the Revolution is no rule of law †.

8. That the conſtitution of France was ſubſtantially a good one ‡.

9. That it might be rightly thought that the exigency of a great empire requires that a king ſhould be inveſted with powers very much ſuperior to thoſe which a King of England poſſeſſes under the letter of our conſtitution §.

10. That in ſuch an empire the king ought in common ſenſe to poſſeſs every degree of power which does not ſuppoſe the total abſence of all controul and all reſponſibility on the part of miniſters ‖.

Before I conclude upon this ſubject, it is now time for me to ſtate what thoſe principles are, upon what I found my own claim to the title of whig; and I am myſelf almoſt ſurpriſed to find that for this purpoſe I have only to aſſert the preciſe inverſe of theſe poſitions laid down in *the Reflections*, *the Letter*, and *the Appeal*.

1. I believe that the king holds his crown by an expreſs original contract with the people, by which the ſupreme power is by mutual conſent lodged in more hands than one.

* Reflections, p. 43, 44.
† Reflections, p. 23.
‡ Letter, p. 65.
§ Letter, p. 66.
‖ Letter, p. 66.

2. That the ariſtocratical and democratical branches as eſtabliſhed in the conſtitution are co-equal in power and right with the monarchical branch of which theſe rights and powers are wholly independant; for the conſtitution of England being founded upon compact the ſubjects of this kingdom have in their ſeveral public and private capacities as legal a title to what are their rights by law as a prince to the poſſeſſion of his crown.

3. That whenever the king paſſes the common meaſure between the power of the crown and the obedience of the ſubject all allegiance ceaſes; whenever he endeavours to ſubvert the conſtitution or violate the fundamental laws the contract is thereby broken, and the people have not only a right and power to aſſert their hereditary freedom, but they are bound to tranſmit it unimpaired to their poſterity; and under theſe circumſtances the nation has a clear and indiſputable right to interrupt or alter the hereditary ſucceſſion as far as neceſſary for this purpoſe.

4. That conſequently the Revolution proceeded upon principles perfectly legal and conſtitutional.

5. That the depoſing of King James was an exerciſe of a power in the nation clearly deducible from the nature of our conſtitution and

after-

afterwards recogniſed and promulgated in *the Declaration of Right* and *the Act of Settlement.*

6. That in ſettling the crown upon King William the nation did no more than exerciſe an undoubted right always virtually exiſting in the conſtitution declared by poſitive law.

7. That the Revolution in 1688 is a great leading conſtitutional caſe making part of the law of the land.

8. That every Engliſhman who is attached to the conſtitution of his country muſt conſider with abhorrence ſuch a form of government as the late military monarchy of France.

9. That to aſſert that the exigencies of a great empire may require that a king ſhould be inveſted with powers very much ſuperior to thoſe which the king poſſeſſes under the letter of our conſtitution;

10. Or that the monarch of ſuch an empire ought in common ſenſe to poſſeſs a degree of power which is not far ſhort of the abſence of all controul or reſponſibility, are moſt dangerous and deteſtable doctrines.

Theſe, Sir, are in my poor judgement the fundamental principles of a conſtitutional whig; and theſe I am well perſuaded, when more ably ſtated, would be maintained by the party which the gentleman has thought fit, for reaſons beſt known to himſelf, to abandon. Theſe are OUR FOUNDATIONS

TIONS which when attacked by republicans on one ſide and tories in whig's cloathing on the other, thoſe who wiſh to maintain are loudly called upon to defend. Here I conclude what you acknowledge to be the *ſubſtantial charge—the point in which if the gentleman is guilty he is equally blameable whether he is conſiſtent or not—in which if he endeavours to delude his countrymen by a falſe repreſentation, he is deeply reſponſible—an enemy to the free conſtitution of the kingdom.* How far he has drawn down upon his own head this ſevere ſentence, the public, before whom we are iſſue, are, I think, from the above expoſition, enabled to determine. That I have been long and tedious on this point, and have made uſe of frequent repetitions, I am well aware; but my object was to be clearly and generally underſtood; and it is not given to every writer to be ſhort and clear, nor to every reader to comprehend the whole of a ſubject from a compreſſed and laconic ſtatement of it. Political pamphlets are not written for philoſophers.

In your ſecond ſeries of citations from the managers of Sacheverel's impeachment, you endeavour to ſhew that they *gave no countenance to the idea that the people acquired at the Revolution any moral or civil competence to alter without breach of the original compact on*

the part of the king the ſucceſſion to the crown at their pleaſure, or to ſet up a new form of government. But as the preſent whig party have given as little countenance to any ſuch idea as theſe gentlemen did, as they would if called upon deny and oppoſe it as much as they did; there is no reaſon that I ſhould examine this part of your appeal. It relates wholly to your diſpute with Thomas Paine and not at all to your difference with the whigs. There is however one paſſage in it that I think merits obſervation.

Not content with having denied the *legality* of the Revolution, you ſay farther, that as things now ſtand, it is hardly poſſible for the king alone to violate the laws or ſubvert the conſtitution—*That the liberties of the nation can ſcarcely be deſtroyed by any thing ſhort of a combination of King, Lords, and Commons. In which caſe any opinion of a right grounded on precedent of the Revolution would be but a poor reſource* *. This is indeed a deep and dangerous topic; a caſe which it would perhaps have been wiſer in imitation of the prudent ſilence recommended by the example of Sir Joſeph Jekyl not

* If any thing could give countenance to Paine's idea of the neceſſity of an antecedent conſtitution it muſt be ſome ſuch an abſurd idea as this that evils once eſtabliſhed under legal forms are without remedy.

to have brought forward; but you have chosen to state it and we will not fly from the discussion. Upon this too, since you insist upon it, we will assert *our foundations.*

In stating hypothetically what might be done of right in a non-existing case, clear and strict analogies to rights already acknowledged and established in cases that have really happened are of equal force with these declared rights themselves, because they are the best authority that the nature of the subject will admit of.

Let us then examine how far the principles established at the Revolution for the case of a King "violating the fundamental laws and endeavouring to subvert the constitution" are applicable to the same proceeding when carried on by the three estates in conjunction.

If there is "an original contract between the king and the people" as stated in the *Declaration of Rights*, there is certainly still a closer and more immediate contract between the people and the two Houses of Parliament.

If, "when the King breaks his contract all allegiance ceases," *a fortiori* when the other branches break their contracts all obedience to them is *ipso facto* at an end.

If as it was maintained and established at the Revolution, "any thing may be renounced or re-

" linquiſhed by doing ſuch acts as are inconſiſt-
" ent with the holding or retaining of the
" thing;" if " the government is under a truſt,"
and that any acting contrary to that truſt is a
" renouncing of that truſt, eſpecially if the
" actings be ſuch as are ſubverſive of that
" truſt;" then it follows, that the parliament
" by avowing to govern by powers unknown
" to the conſtitution and inconſiſtent with it,"
would " renounce to be a parliament accord-
" ing to law; which would be to all intents
" and purpoſes an abdication or abandoning of
" their legal title."

If the " reſiſtance at the Revolution was
" lawful and juſt becauſe neceſſary;" if " the
" right of the people to ſelf-defence and the
" preſervation of their liberties by reſiſtance as
" a laſt remedy is the reſult of a caſe of ſuch ne-
" ceſſity;" reſiſtance againſt a combination of
King, Lords, and Commons, " to deſtroy
" the liberties of the nation" would be ſtill
more juſt becauſe more neceſſary.

I have here, as well as in my own whig con-
feſſion, confined myſelf to the poſitions and the
very words of Lord Somers, Lord Holt, Mr.
Lechmere, and Sir John Holland; and if there
is any thing in the world clear, it is that for this
caſe ſo far as it regards the *right* of reſiſtance,
the precedent of the Revolution is not as you

ſay

ſay "a poor reſource," but a full legal and conſtitutional authority.

How far this legal reſiſtance might be practicable or ſucceſsful *in fact* can indeed be only matter of opinion; for my own part I firmly believe as the nation is now conſtituted, with the example of the times before our eyes, that ſuch a combination marked and avowed by any ſtrong overt-act, would be overturned and deſtroyed in a fortnight.

After you have, as I think I ſhew compleatly, both failed in your attempt to eſtabliſh the whiggiſm of your client, and to deſtroy that of the oppoſition party, you bring forward ſome of the leading notions contained in a pamphlet entitled *Rights of Man* as oppoſed to thoſe of *the Reflections*; and as if there was no other alternative or medium *you invite your whig reader to make his choice between the two doctrines.* But what if the whigs, thinking them both bad, ſhould abſolutely refuſe to take either? What if they find the puritan cant of the *Rights of Man*, and the epiſcopal cant of *the Reflections* equally uninviting? Nor when they reject both, are they, that I know of, at all called upon to declare which of the two they prefer. To inſiſt upon a declaration of preference between an anabaptiſt and a papiſt would

ſurely

ſurely be a ſtrange requiſition in the confeſſion of faith of a proteſtant of the church of England. All that can be expected from the proteſtant or the whig is to defend his own religious or political faith when attacked on either ſide. Whether we incline moſt to the errours of *the Reflections*, or the errours of the *Rights of Man* we are not obliged to declare; but we will, ſince we are called upon, ſhew how we differ from both. However before we enter upon the diſcuſſion of Mr. Paine's maxims, I have ſome obſervations to make upon the mode of reaſoning, you employ to prove the propriety of publiſhing ſuch a work as *the Reflections*; and the general neceſſity there always is for men of weight and credit to be forward and early in oppoſing any new or dangerous doctrines, as well as upon ſome paſſages contained in the *Letter to a Member of the National Aſſembly*.

You obſerve upon this occaſion, page 99, *that there is no boundary to men's paſſions when they act under the influence of imagination*, and *that a theory concerning government may become as much a cauſe of fanaticiſm as a dogma of religion**, but the wiſeſt men have thought both from

* An obſervation of the truth of which your authour has himſelf furniſhed more than one example eſpecially in his *Letter to a Member of the National Aſſembly*.

their

their knowledge of the human mind, and the univerſal experience of the fact, that enthuſiaſm and fanaticiſm are always increaſed by notice and oppoſition. Reaſon does but ventilate the flame and oppoſition blows it up into a conflagration. Neglect is the cold water which ſeldom fails to extinguiſh the fire. In this view, ſuppoſing as you do, that the theory of the French Revolution had excited any fanatical admiration in this country; what could be more injudicious and ill-timed, than to excite and itritate this paſſion by the angry perſecuting heat of ſuch a work as *the Reflections*? *The Reflections* preceded and provoked the *Rights of Man*, and whatever miſchief is produced by the latter, calculated, I think, under certain circumſtances to do a great deal, muſt be ultimately referred to your authour. If he had not ſo unwiſely made a perſonal attack upon a man defended by an excellent private character*, and uſed ſuch provoking and indiſcreet terms *as the king holding his crown in* CONTEMPT of any deſcription of the people, &c. Mr. Paine would not have ventured to go the lengths he had done. By being in the wrong ourſelves we always put our adverſaries in ſome degree in the right. Your client has paraded about in old

* Dr. Price.

faſhioned

fashioned gothic armour as the champion of I know not what feudal chivalry, and has exposed himself to be knocked down by this American rifle-man; and the worst of it is, the world is seldom disposed to commiserate a misfortune brought upon ourselves by too much officious zeal.

Another evil arises from the intemperate excess in which your authour indulges himself; it takes away from the effect of what is found in his works; for that they contain many excellent observations, particularly relative to the influence and efficacy of moral and religious principles in governing mankind, no dispassionate reader can deny. But anger generates anger and intemperance begets intemperance. By the collision of zeal against zeal the train is set fire to, and the voice of reason is utterly stifled in the noise and confusion. That a person who has any respect for himself should descend to call names is very surprising. To charge men with mere terms of abuse requires or evinces no superiority of any kind. Such appellations as "infamous gang," "wicked faction," "tyrannic impostors,*" "incendiaries," "assas-

* This term is applied to Voltaire and D'Alembert, and Helvetius, and Raynal, because they are suspected of professing the same religion with Socrates and Plato, and Cato and Tully.

sins,"

ſins," " houſebreakers," " robbers;" ſuch epithets as " foul," " impious," " monſtrous," " ſavage," " barbarous," " treacherous," " wicked," " cruel," " clumſey," " ſtupid," and a thouſand others in which *the Reflections*, *the Letter*, and *the Appeal*, abound with ſuch nauſeous prodigality may always be hurled back upon the adverſary with more ſucceſs than they are at firſt employed becauſe the uſage of them is then juſtified by example.

The moſt wild and extravagant of all this gentleman's productions is his *Letter to a Member of the National Aſſembly*. One hardly ſees to what it tends. It ſeems to be nothing but an effuſion of anger; a mere evacuation of bile: unleſs we can believe that he fancied himſelf deputed by providence to lead the powers of Europe to Paris as St. Dominic did on a like occaſion to Toulouſe. But however this may be, it is curious to remark with what paſſionate attachment to monarchs and ſtrange prepoſſeſſion againſt the people this whig decides upon all the late diſputes between them.

He tells us in this *Letter*, that the King " of Pruſſia in conjunction with us *nobly* " interfered to ſave Holland from confu- " ſion:" As if theſe powers were induced to meddle in the affairs of that country without

any intereſts or paſſions of their own to gratify, but merely from the love of order!

By the late *Treaty of Reichenbach*, and the *Convention of the Hague**, England and Pruſſia and Holland agreed to guarantee to the Auſtrian Nether-

* *Extracts from the Treaty of Reichenbach and the Convention of the Hague.*

" Les circonſtances ayant amené, que les deux puiſſances " maritimes, non ſeulement comme *guarantes de la conſtitu-* " *tion des Provinces des Pays-Bas Autrichiens*, mais auſſi, " comme parties intégrantes du traité qui en a donne la poſ- " ſeſſion à la maiſon d'Autriche, ont dû concerter entre elles, " &c. Sa Majeſté déclare qu'elle continuera d'agir dans le " plus parfait concert avec les deux puiſſances maritimes tant " relativement au ſort & *à la conſtitution de Pays-Bas Autri-* " *chins, qu'à la guarantie de cette derniere.*"

" *Contre Declaration du Miniſtre Priſſien,*
" *à Reichenbach le 27 Juillet*, 1790.

" 3°. Que pour ce qui regarde les Belges, je ne me ſepa- " rerai jamais des puiſſances maritimes, ſoit pour le réta- " bliſſement de la tranquillité, ſoit *pour la guarantie de leur* " *ancienne conſtitution.*"

" *Inſtruction de la propre main la Roi de Pruſſe au Comte de* " *Hertzberg, en date 25 Juillet*, 1790. *Signé Frederic* " *Guillaume.*

" Il eſt notoir que dans les Conventions ſignées à Rei- " chenbach le 27 Juillet, 1790, & enſuite duement ratifiées " entre ſa Majeſté le Roi de Hongrie & de Bohême, actu- " ellement Empereur des Romains, leurs Majeſtés les Rois " de Grande Bretagne & de Pruſſe & Leurs Hautes Puiſ- " ſances les Etats Généraux des Provinces Unies, il a été " arrêté

Netherlands their conſtitution, ſuch as it was in the reigns of Charles VI and Maria Tereſa, as well as a general amneſty. The emperour's miniſters accepted of this guarantee, and the treaty and convention were ſigned and executed.

But

" arrêté que la tranquillité & le bon ordre ſeroient promptement rétablis dans les provinces Belgiques & que les trois puiſſances alliées concoureroient au rétabliſſement de la domination de ſa Majeſtié apoſtolique dans ces provinces, moyenant *l'aſſurance de leur ancienne conſtitution avec une Amniſtie pleniere & l'oubli parfait de ce qui s'eſt paſsé pendant les troubles, le tout ſous la guarantie des dites trois puiſſances.*

I.

" Sa Majeſté Impériale en reçevant de la maniere uſitée l'hommage des provinces Belgiques, *leur confirmera à toutes & à chacune les conſtitutions, privilèges & coutumes légitimes, dont la jouiſſance leur a été aſſurée reſpectivement par les actes d'inauguration de l'Empereur Charles VI. & de l'Impératrice Marie Thérèſe de glorieuſe mémoire.*

II.

" Sa Majeſté Impériale conſent à enſevelir dans un parfait oubli tous les excès & déſordres commis dans le tems des troubles & de *les comprendre dans une Amniſtie Générale qui ſera inceſſament publiée.*

IV.

" Leurs Majeſtés les Rois de la Grande Bretagne & de Pruſſe, & leurs hautes puiſſances les Etats Généraux des Provinces Unies garantiront de la maniere la plus ſolemnelle à ſa Majeſté Impériale, & ſes auguſtes héritiers & ſucceſſeurs, la ſouveraineté des provinces Belgiques, &c. Comme les puiſſances ſuſmentionnées garantiront égale-

But in the mean time, I suppose from the unsuspecting integrity of our negociators and the dextrous insincerity of his, the final ratification and exchange of these treaties were some how evaded, and the provinces in dispute were taken possession of by 50,000 Hussars and Houlans and Hungarians†. By the administration of these barbarian mercenaries, is that unfortunate country at this moment governed; and according to the treachery reduced to principle of absolute monarchs, by which they consider them-

" ment *la conservation & pleine jouissance des constitutions &*
" *privilèges & coûtumes*, &c.

" Signé

" *Le Comte de Mercy Argenteau,*
" *Auckland. le Comte de Keller Van de Spiegel.*"

La Haye, Dec. 10, 1790.

To a simple observer Leopold seems to have treated these " high contracting parties" not a little cavalierly. Prussia perhaps received some satisfaction at the meeting at Pilnitz; but Great Britain and her " rescued Holland" seem to be left in a situation ridiculous enough. How the English Cabinet relish this *bad pleasantry* of the Emperour's I do not know: nor am I at last at all sure that the whole proceeding may not be justified by the received rules of diplomatic jockeyship, of which I acknowledge myself wholly ignorant.

† It is said that an Estafette was dispatched on the part of our Ministers at the Hague, requiring Marshal Bender to suspend his march; to which the Marshal replied, as the evil spirit did to the Jewish exorcist — Leopold I know, and Kaunitz I know, but who are ye?

selves

ſelves as abſolved from all bonds with the people the inſtant they can be broken with impunity, Leopold II now ſupports many of the innovations made by the late Joſeph, refuſes to give the people any aſſurance or ſecurity for their conſtitution, or to paſs any general amneſty or act of pardon, and the country is held by a military force at an expence exceeding the whole revenue of the ſtate. All this however does not prevent this author from informing us with great gravity and preciſion that the "ſame power" (Pruſſia) joined with reſcued Holland "and with Great Britain has put the "Emperour in poſſeſſion of the Netherlands, "and ſecured under that Prince from all arbi-"trary innovation the ancient hereditary con-"ſtitution of thoſe provinces.*"

With

* In a letter to a certain French *emigrant*, ſpeaking of the affairs of the Low Countries, our authour is reduced to a curious dilemma. He is obliged to give ſome ſort of deciſion between a monarch, an imperial monarch, and his monks—on this point, "il ſuggere, (for it is in French that this letter "appears) aux conſeillers, de l'Empereur, de ne point de-"truire les prejugées dont un homme habile ſait tier parti "pour le gouvernement—de ne pas exciter les hommes a "fouiller trop ſcrupuleuſement dans des baſes des anciennes "opinions" de peur "que la plupart d'entr'eux ne voient "bientôt que les monarques ne ſont pas plus utiles à la "ſociété que les moines; mais d'oublier une fois pour "toutes l'immenſe Encyclopedie et la Bibliotheque des Eco-"nomiſts,

With the ſame miſerable prevention, as if Princes muſt always be in the right and the poor people in the wrong, he tells us that "the "chamber of Wetzlar has reſtored the Prince "Biſhop of Liege unjuſtly diſpoſſeſſed by the "rebellion of his ſubjects." Here indeed ſome reaſonable allowances muſt be made for the gentleman's feelings. A prince and a biſhop too is to be ſure an irreſiſtible object of love and veneration. Prejudice and partiality in favour of ſuch a ſuperlative combination of excellence is

"nomiſtes, et de revenir tout bonnement aux anciens prin-"cipes" (the principles of monkery and abſolute monarchy) —That it might be for the advantage of princes and prieſts to replunge the world in ignorance and barbariſm is perhaps true; but when the gentleman adviſes kings to forget what they have learned, he does not ſeem to recollect that they cannot at the ſame time command their ſubjects to unlearn what they have once known. When men have begun to think for themſelves; when they have carried their temerity of free-thinking perhaps ſo far as to ſuſpect that nations may exiſt without monks or tyrants, it is already too late to burn libraries or philoſophers. If the "Condorcets" and the "Raynals" "ces piés philoſophiques de la littérature mo-"derne" have now the better of the Dominics and Ignatiuſes "ces oiſeaux blancs et noires de l'ancienne ſuperſtition," every dog ſhall have his day; and the dogs that bark are leſs dangerous than the dogs that bite; and the advice "de ne les pas eſtimer un denier" while they have any influence over mankind, is not good. *See Lettre de M. Burke ſur les affaires de France & des Pays-bas addreſſée à M. le Vicomte de Rivarol. Traduite de l'Anglois.*

ſcarcely

ſcarcely to be deemed a fault. But before he expoſed this doubly ſacred figure to profane eyes, he ſhould have had the prudence to enquire a little into the fact, which I am afraid does not turn out very favourably to the character of this Hierarch.

The country of Liege had been long in poſſeſſion of a conſtitution tolerably free, confirmed by various charters, among which they conſider the *Peace of Fexe*, as their magna charta. One of their fundamental articles, as indeed it muſt always be where there is the leaſt ſhadow of a free government, is that the Prince-Biſhop cannot make new laws or diſpenſe with thoſe which exiſt without the conſent of the ſtates. In contravention to this fundamental article, he firſt granted contrary to law ſome lucrative privileges and immunities of which he himſelf ſhared the emoluments, and proceeded in conſequence and ſupport of this firſt illegal act to alter and diſpenſe with ſeveral other laws not only without the conſent of the ſtates but in direct oppoſition to their remonſtrances and reclamations. He had "violated the fundamental laws, and totally ſubverted the conſtitution." This man too has been reſtored by the Emperour's troops (for I ſuppoſe the writer knows that the chamber of Wetzlar is an empty name) without any conditions in favour

of

of the people. This fertile and populous province is alſo under martial law——

Impius hæc tam culta novalia miles habebit!
Barbarus has ſegetis!——

A ſet of armed ſavages are turned looſe upon the wretched inhabitants, who are reduced to that laſt ſtate of human indignity to pay with the ſubſtance of their families the inſtruments of their oppreſſion. Such are the moral and political ſituations and events in which this authour exults with a levity, which whether it proceeds from ignorance or wilful miſapprehenſion, is ſurely not a little reprehenſible on points of ſuch infinite importance to mankind *.

* If on ſuch ſubjects it were poſſible to admit if any pleaſantry, what follows in *the Letter* concerning the Turkiſh peace, muſt ſurely have forced a ſmile from the graveſt countenance. The idea that Frederic William "interpoſed to ſnatch the great Turk from the pounces of the imperial eagle" moved in any degree by that ſort of "compaſſion" which the authour endeavours to excite by compariſon in favour of "a "virtuous monarch, by the courteſy of Europe moſt Chriſ-"tian:" or that the imperial birds of prey, Joſeph and Catharine, had any conſideration to "the enmity of the Turks to the chriſtian name," or their refuſing "the ſalutation of peace (Salum)" when they fixed their claws into certain rich provinces of the Turkiſh empire, preſents a ſort of affectation of primitive ſimplicity than which, applied to this occaſion, nothing, I think, can be more comic.

Before I conclude, I am tempted to take ſome notice of your wanton butcherly attack upon J. J. Rouſſeau, if it were merely to ſatisfy the indignation it has excited in my mind. I knew this celebrated writer, not like your author "by watching his proceedings from day to day" for the few weeks that David Hume was making a raree ſhew of him in London, but by being admitted, with an exception which I muſt ever regard as a very honourable diſtinction, into his private intimacy at different times during the latter part of his life; and I never ſaw any perſon whoſe manners and converſation were more calculated to create affection and reſpect. This man who is deſcribed as "entertaining no principle to influence his "heart or guide his underſtanding but vanity," had ſo unaffectedly ſought after retreat and obſcurity, as to live fourteen years unobſerved and unknown in the middle of Paris where his vanity might have fed to ſatiety upon the moſt flattering incenſe *. However he might have felt the influence of this paſſion in his youthful

* If ever the gentleman who is ſo angry at the vanity of of another ſhould ſo far forget his own as to execute "the "ſentence of retirement he has paſſed upon himſelf;" if ever he ſhould cultivate his acres in ſilence and obſcurity for fourteen years together, he may then with ſomewhat more of propriety cenſure the vanity of another.

days, and then few people are without it, he was, I think of all men I ever converſed with, the moſt thoroughly cured of it in his maturer age *. It was the ſubject of his eternal regret that he ſhould ever have ſacrificed to this idol. That he retorted upon the world perhaps a little too ſtrongly the contempt from which his ſtation in life had not exempted him, and which deſpiſed ſuperiority is apt too impatiently to ſuffer, I do not deny; but this feeling is of another flight than groveling vanity; though he had no better motive, he was too proud to be vain.

To enter into an examination or ſupport of the writings of Rouſſeau is not at all my intention. Our ſtage is too ſmall for the attack and defence of the maxims and doctrines of ſixteen quarto volumes †. Beſides thoſe who are capa-

* He uſed to relate an anecdote deſcriptive enough of the extreme littleneſs of this petty paſſion. The tradeſmen at Paris dreſs in black on a Sunday, and at the ſeaſon of the year they never fail to place in that button hole where the order of Saint Louis is worn a kind of renunculus exactly the colour of the ribbon which at a certain diſtance cannot be diſtinguiſhed from it; and their vanity is ſatisfied with the impreſſion made at firſt view on the perſon they meet though the deception can laſt but a few moments.

† Ceſt une choſe bien commode que la critique; car on l'on attaque avec un mot et il faut des pages pour ſe defendre. *J. J. Rouſſeau.*

ble of understanding these works, will chuse to judge of them for themselves; and those who are not though they may now and then be employed to hang up a living philosopher, or to set fire to his house can have no influence whatever upon his reputation after his death. I will only remark, that the author of this *capuchinade* peremptorily decides against the character of a great man from the casual observation of a few days; looks for his virtues in the *confession general* of his sins; and determines upon the good or bad tendency of elaborate treatises on education and government written *ad rem*, from a few love-letters in a novel; which when he describes the author as "wholly destitute of "taste in any sense of the word," we must suppose he has only read in some abortive translation. The moral writings of Rousseau seem to rest upon a principle which he is perhaps the first who has developed to any extent, and is I think founded upon truth and nature. *A distinction between the natural passions of man and those factitious passions which are the produce of society*—the former all relate simply to our well being and preservation; are all in themselves good, and only become wrong by excess; and this *love of ourselves (amour de soi)* when confined to the desire of well-being which seems inseparable from conscious existence, is not only

innocent in itſelf, but is the ſource of all the natural affections.

Thoſe paſſions on the other hand that *raiſe from comparing ourſelves with others in order to obtain ſome preference or diſtinction*, ſuch as ambition, avarice, envy, jealouſy, and in general all the *hating* paſſions with all their infinite combinations, do not belong to the original nature of man, but are wholly generated by the artificial and complicated relations of ſociety, which we ourſelves create by our inſtitutions and laws and opinions; and theſe factitious paſſions this writer ſeems to conſider as the ſources of all the vices and moral miſeries of mankind: from whence this very general poſition follows; that the buſineſs of ethics, or morals, is to prevent *ſelf-love*, *(l'amour de ſoi)* or the natural deſire of good, from degenerating into *ſelfiſhneſs (l'amour propre)* the great ſource of moral evil.

The writings of Mandevelle, La Rochfaucault, Swift, Helvetius, &c. encourage the vices by repreſenting them as inherent in human nature. Rouſſeau would lead us back to virtue and happineſs as to our native rights and poſſeſſions.

His ſyſtem of education goes upon the ſame or analogous principles.—To ſubſtitute things for words — to exerciſe and enforce the natural

ral affections by presenting real living situations in the room of dead uninteresting precept—to guide the mind by the unalterable tendencies of nature instead of the fluctuating opinions of men—to impress truth and right by the operation of inflexible necessity, moral and physical, rather than by the feeble and imperfect power of human institutions.

END OF PART I.

PART II.

OBSERVATIONS

ON

MR. PAINE'S

RIGHTS OF MAN.

——Quæ tanta insania cives?—— VIRG.

I AM now, according to promiſe, to examine ſome tenets ſet forth in a certain publication by a perſon who ſtiles himſelf *Secretary for foreign Affairs to the Congreſs in the American War*. I confeſs that I enter upon this diſcuſſion with much reluctance and diſtaſte. A lover of freedom with all the faculties of my heart and mind, to combat even her faults and exceſſes I feel an irkſome taſk, and no man willingly enters upon a ſubject where he will be forced to blame what he deſires to praiſe. The French Revolution furniſhes ſufficient matter for admiration; merit more than enough to ſanctify its errours and imperfections; for after all, exceſs of freedom is a glorious fault. But this man has falſely and maliciouſly endeavoured to apply the principles of that Revolution to ſubvert the excellent conſtitution of this country, and this muſt not be ſilently endured. Beſides that I can ſcarcely expect to obtain a candid and intelligent hearing from the only perſons whom I have any occaſion to addreſs. Men who are ſatisfied with impudent, and unfounded aſſertion; or whoſe paſſions have taken

a part becauſe they feel that a general *level* would be to them an advancement, certainly form no very inviting audience. If this work is, as I think, written with the logic of ſhoemakers and the metaphyſics of barbers, I know not how to adapt my obſervations to this new kind of connoiſſeur in politics; and the learned and judicious will not want my aſſiſtance to detect its quackery and ignorance; ſo that I write under the diſcouraging apprehenſion that what I ſhall ſay will be uſeleſs to one deſcription of my readers, and unneceſſary to an other.

Beſides "*Rights of Man*," two other publications of this ſame anthour have lately been put into circulation, as it is ſaid, with much induſtry; one entitled *Common Senſe*, and the other *A Letter to the Abbe Raynal. Common Senſe* was written in the year 1776, when England had too late, and with the worſt grace, held out reconciliation to America; and was deſigned by the writer to diſſuade her from accepting of any terms which were or might be offered to them from this country. That America had then acquired a full right to decide for herſelf I am not diſpoſed to deny; and if this officer of the Congreſs thought it beſt for her to come to an immediate and final ſeparation from England, I think he did his duty

in

in endeavouring to perſuade the people into the ſame opinion. To his arguments on this head I have nothing to oppoſe; they ſeem to be forcible; and the *cant* with which they are accompanied I ſuppoſe he knew was ſuited to the taſte of his readers. *Cant* is the ſpurious offſpring of enthuſiaſm, begotten by hypocriſy. But as the cant of this American ex-ſecretary partakes, I ſuſpect, much more of the father than the mother, he ought to have known, that his ſcripture politics are obſolete and ſuperannuated in theſe countries by an hundred years. "Government by Kings being the moſt "proſperous invention the Devil ever ſet on "foot for the promotion of idolatry"—"Mo-"narchy being one of the ſins of the Jews for "which a curſe in reſerve is denounced againſt "them"—"the Almighty entering his proteſt "againſt monarchical government," and "diſ-"approving from jealouſy a form of govern-"ment which invades the prerogative of hea-"ven*," is ſuch monſtrous nonſenſe as might, for what I know, be ſuited to the fanatics of Boſton, where witchcraft was in great vogue the beginning of this century, but here will excite nothing but contempt as a wretched endeavour to arm ignorance and ſuperſtition againſt

* Common Senſe, pages 16, 17, 18.

reaſon and common ſenſe. Does he mean to adviſe us to change our civil government for an hierarchy, when he ſo violently reprobates an ancient nation for changing their hierarchy for a civil government? When the Jews, weary of the tyranny of prieſts, deſired governours whoſe acts not pretending to be commanded by God might be queſtioned by men, is it enough to prove againſt the reaſonableneſs of this deſire that *the thing diſpleaſed Samuel*, when they ſaid Give us a King to judge us? If the people of Rome were at this day to require a civil governor in the place of the Vicar of Chriſt, I ſuppoſe the thing would diſpleaſe the Pope, but would that prove the folly or wickedneſs of the requeſt?—In truth ſuch ſtuff is no otherwiſe worthy of notice, except to ſhew the low arts to which this mountebank has recourſe, to adapt his drugs to people of all ſorts. Provided he can *overturn*, he cares not whether it be by the hand of philoſophy or ſuperſtition, and it is nothing to him which of the two poſſeſs themſelves of the ruined edifice.

The other publication is, *A Letter to the Abbé Raynal*, in anſwer to certain Reflections on the American Revolution, where the Abbé had the boldneſs to praiſe the magnanimity of England in this great war. Upon theſe publications I have but one remark to make, which is of con-

ſequence only becauſe it determines the degree of confidence we ought to place in the *motives* and deſigns of the authour of "Rights of Man;" and this is, that they contain the moſt poſitive and unequivocal declarations of eternal and implacable hatred and enmity to theſe countries. "Men of paſſive tempers," he ſays, "look ſomewhat lightly over the offences of "Britain, ſtill hoping for the beſt, and are apt "to call out, come, come we ſhall be friends "again for all this. But let us examine the "paſſions and feelings of mankind; bring the "doctrine of reconciliation to the touchſtone "of nature, and then tell me whether you can "hereafter love honour and faithfully ſerve "the power that hath carried fire and ſword "into your land?*"—"to talk of friendſhip "with thoſe in whom our reaſon forbids us "to have faith, and our affections wounded "through a thouſand pores inſtruct us to de-"teſt is madneſs and folly,†" the laſt cord is "now broken, the people of England are pre-"ſenting addreſſes againſt us. There are in-"juries which nature cannot forgive, ſhe would "ceaſe to be nature if ſhe did. As well can "the lover forgive the raviſher of his miſtreſs "as the Continent of America forgive the

* Common Senſe, p. 38. † Page 51.

"mur-

" murderers of Britain. The Almighty hath " implanted in us theſe unextinguiſhable feel- " ings to good and wiſe purpoſes *." Nor were theſe either temporary feelings excited by recent ſenſe of injury, or mere ſuggeſtions calculated to promote the declaration of independency, but the real workings of the man's mind; for the ſame rooted hatred to England appears in his " Letter to Raynal," written after an interval of three years, and after the independency of America had been declared; and is repeated and avowed and renewed at this moment by oſtentatious republications in the very midſt of us; nay it is, if poſſible, carried farther. In the former publication the eternity of hatred is founded on the injuries of a long war—becauſe, " never can true reconcilement " grow where wounds of deadlieſt hate have " pierced deep" — but in the latter it is juſtified upon the deteſtable qualities of the Engliſh people in general; and the authour very ſeriouſly invites all the world to unite with him in hate, and to join together to machinate the deſtruction of this odious nation. " If," ſays he, " we take a view of the part Britain has acted, " we ſhall find every thing which ought to " make a nation bluſh; the moſt vulgar abuſe

* Page 52.

" accom-

" accompanied by that ſpecies of haughtineſs " which diſtinguiſhes a mob from a gentle- " man.* It was equally from her manners as " from her injuſtice that ſhe loſt her colonies.†" To the Abbé's admiration of the magnanimity of England in refuſing to accept the mediation of Spain in 1779, he ſays, " the rejection was " not prompted by her fortitude but her va- " nity.‡ Why did not the Abbé rather dwell " with pleaſure on that greatneſs of character

* Thomas Paine has been well illuminated ſince he talked of GENTLEMAN.

† Letter to the A. R. p. 10.

‡ The following is the paſſage as cited in the Letter (p. 58.) which ſo grievouſly offended this deteſter of the Britiſh name—

" It is in ſuch circumſtances as theſe; it is in the time " when noble pride elevates the ſoul ſuperior to all terrour— " when nothing is ſeen more dreadful than the ſhame of re- " ceiving the law; and when there is no doubt or heſitation " which to chuſe between ruin and diſhonour; it is then that " the greatneſs of a nation is diſplayed. I acknowledge " however that men accuſtomed to judge of things by the " event call great and perilous reſolutions, heroiſm, or mad- " neſs, according to the good or bad ſucceſs with which they " have been attended. If it ſhould then be aſked what is the " name which ſhall in years to come be given to the firmneſs " which is at this moment exhibited by the Engliſh I ſhall " anſwer that I do not know. But that which it deſerves I " know. I know that the annals of the world hold out to " us but rarely the auguſt and majeſtic ſpectacle of a nation " which chuſes rather to renounce its duration than its " glory."

" that

" that superiority of heart which has marked
" the conduct of France in her conquests. The
" confederates unite in a rival eminence in the
" treatment of their enemies. Spain, in her
" conquest of Minorca and the Bahama islands,
" confirms this remark. America has been in-
" variable in her lenity from the beginning of
" the war. It is England only who has been
" insolent and cruel *. A mind habituated to
" meanness and injustice, commits them with-
" out reflection. For on what other ground
" than this can we account for the declaration
" of war against the Dutch †? When once the
" mind loses the sense of its own dignity, it
" loses likewise the ability of judging of it in
" another. And the American war has thrown
" Britain into such a variety of absurd situa-
" tions, that arguing from herself, she sees
" not in what conduct national dignity con-
" sists in other countries. From Holland
" she expected duplicity and submission,
" and this mistake arose from having acted
" in a number of instances during the pre-
" sent war the same character herself."—
" To be allied to or connected with Britain
" seems to be an unsafe and impolite situation.
" Holland and America are instances of the
" reality of this remark. Make these coun-

* Letter, pages 62, 63. † Page 69.

" tries

" tries the allies of France or Spain and Bri-
" tain will court them with civility and treat
" them with reſpect; make them her own
" allies, and ſhe will inſult and plunder
" them. In the firſt caſe ſhe feels ſome ap-
" prehenſion of offending them becauſe they
" have ſupport at hand; in the latter theſe
" apprehenſions do not exiſt*—A total refor-
" mation is wanted in England.—She wants an
" expanded mind †.—She has laboured to be
" wretched and ſtudied to be hated ‡. France
" is as able to be ſuperior to England in the
" extent of a navy as ſhe is in the extent of her
" revenues and population, and England may
" lament the day when by her inſolence and
" injuſtice ſhe provoked in France a maritime
" diſpoſition;"—and then follows a detailed plan for the annihilation of the Britiſh navy—
" To conclude, if it may be ſaid, that Britain
" has numerous enemies, it likewiſe proves
" ſhe has given numerous offences. Inſolence
" is ſure to provoke hatred in a nation or an
" individual §." " The want of manners in
" the Britiſh court even in its birthdays and
" new year's odes are calculated to infatu-

* Page 71. † Page 74. ‡ Page 78.

§ Thomas Paine then it ſhould ſeem has no objection to provoking hatred.

"ate the vulgar and diſguſt the man of re-
"finement *;" and her former overbearing
"rudeneſs and inſufferable injuſtice on the ſeas
"have made every commercial nation her foe.
"Her fleets were employed as engines of prey,
"and acted on the ſurface of the deep the cha-
"racter which the ſhark does under it."—and he finally adviſes the powers at a general peace to allow her only a limited number of ſhips.

From this ſeries of declarations of enmity and abhorrence, continued through a period of many years, and now confirmed by a new avowal, no doubt, I think, can remain in any man's mind of the determined evil diſpoſition of this perſon reſpecting the Britiſh nation; nor conſequently of the malevolent ſpirit by which he muſt be actuated in all his voluntary proceedings towards us. After all his plans for her deſtruction, and predictions of her fall, he

* Learned and ingenious writers have ſometimes very ſucceſsfully lowered their ſtile to the level of the common people, as Swift did in his celebrated Draper's Letters; but this writer has the natural eloquence of a night-cellar. He writes in defiance of grammar, as if ſyntax were an ariſtocratical invention; and with a diſregard of decency worthy of his politics. There is a ſort of monkey-like impudence, which is ſo groſs that the malice of it is loſt in the buffoonery; of this kind is his affectation of refined diſguſt at the vulgarity of the Engliſh court in a writer whoſe merit if he has any conſiſts in his vulgarity.

ſees her riſe ſuperior, in her relative ſituation as well as her internal proſperity to what ſhe was before. Like the Devil in Paradiſe he turns aſide with envy at the ſight, and projects the deſtruction of this happineſs not only in the ſame ſpirit but by the very means employed by Satan himſelf.

——I will excite their minds
With more deſire to know, and to reject
Envious commands, invented with deſign
To keep them low, whom knowledge might exalt
Equal with Gods: aſpiring to be ſuch,
THEY TASTE AND DIE———

But if his malice is as deep, he is not quite ſo great a maſter of his art. Stimulated by vanity, he accompanies his diabolical counſels with ſuch certain indications of evil deſign, as muſt awaken diſtruſt in the moſt credulous. Under theſe indications "his ſuſpected gift will be either caſt into the flames entire, or its contents examined with the moſt ſcrupulous care and miſtruſt*." It ſhall be pulverized and ſifted like the golden calf, and ſcattered to the winds of Heaven.

The pamphlet entitled "Rights of Man" propoſes no leſs than to deſtroy every moral, and

* Quorum melior ſententia menti
Aut pelogo Danaum inſidias, ſuſpectaque dona
Præcepitare jubent, ſubjectiſque urere flamis
Aut terebrare cavas uteri, et tentare latebras.

religious, and political eſtabliſhment in the world; and to replace them with a perfect ſyſtem of its own. It is a ſketch of a compleat code of deſtruction, of which the following are the great outlines.

That the living cannot be bound by laws made by the dead.

That all men being perfectly equal, every man has an equal right in every thing.

That every man in ſociety retains the right of doing every thing that he is able to do; and acquires the right to call upon the general force to aſſiſt him in doing every thing that he is not able to do.

Bold as our author is, that he may not frighten his game too ſoon, in eſtabliſhing the firſt of theſe principles, he uſes Mr. Burke as a ſtalking horſe.

The author of *The Reflections* had endeavoured to ſupport the unconſtitutional doctrine of the *indefeaſible* right of ſucceſſion to the crown, by the force of certain technical terms of courſe uſed in the ſettlement of the preſent legal eſtabliſhment—*moſt humbly and faithfully ſubmit themſelves, their heirs, and poſterities, for ever*—and this errour is ſeized upon with great avidity by our *anarchiſt* as a pretext, poor as it is, for introducing his firſt attack upon laws in general. But it is obvious that *The Reflections*

tions could only mean to assert (though falsely not absurdly) that such *being* the constitution established by law, such it must consequently remain at this day, and as long as the constitution exists, unless the law by which it is ordained shall be repealed or altered by the legislature. In this sense and no other can the gentleman be understood to consider this declaration or the statute enacted upon it, because he expressly recognises the *rights of the legislature to regulate the succession*; and *the power of the nation at all times wholly to abolish the monarchy and every other part of the constitution* *. All the nonsense therefore which this writer chooses to combat for nine pages together, as supposing the gentleman to have maintained the grand absurdity, that any legislature can make laws which no subsequent legislature can alter or repeal is perfectly gratuitous; and what is more Mr. Paine knows that is; but under the cloak o. this supposed errour, he wishes to smuggle in this part of his system of destruction without alarming tender consciences too much by presenting it point blank and at once. The following positions subversive of all law, are therefore introduced not directly but obliquely as if in answer to a pretended absurdity †.

* Reflections.

† If after all it should be possible that Mr. Paine could really conceive the authour of The Reflections to mean that

1. *Every age and generation muſt be as free to act* for itſelf in* ALL CASES, *as the generation which preceded it.*

Which is to ſay in other words that the preſent generation is not bound by any law or eſtabliſhment made by any preceding generation; becauſe if we were bound to any obedience to theſe laws, it would be abſurd to ſay that we are as free to act *in all caſes* as men were before theſe laws were made.

2. *The parliament or the people of* 1688, *or of any other period, had no more right to diſpoſe of the people of the preſent day, or to bind or controul them in any* SHAPE WHATEVER, *than the parliament or the people of the preſent day have to diſpoſe of or to bind or controul thoſe who are to live a hundred or a thouſand years hence.*

But it is certain that the parliament or the people of the preſent day have not a ſhadow of right to make laws which are to operate a thouſand years hence, or to legiſlate expreſsly for any future generation; becauſe they cannot preclude the right of every generation

any body of men ever did or could make a law incapable of being altered or repealed, I beg his pardon for having defended his ſagacity at the expence of his honeſty; and I greatly admire his humility, in condeſcending to anſwer ſuch perfect folly.

* Not to *legiſlate* obſerve but to *act*.

to make, or repeal, or alter laws; therefore we, the people of the preſent day, are not bound or controled in any ſhape whatever by any act of the parliament of 1688, or of any other paſt generation.

3. *When man ceaſes to exiſt his power ceaſes with him. He has no longer any authority in directing who ſhall govern, or how government ſhall be organized or how adminiſtered.*

But if all laws and eſtabliſhments loſe their authority as ſoon as the makers of them ceaſe to exiſt, no man is at this day bound by any moral obligation to obey any law made by his fathers, but may diſobey and reſiſt them all as far as he is able.

After having thus relieved our minds from all moral obligation of obedience to the laws and inſtitutions of our forefathers, the pious authour proceeds to eſtabliſh another fundamental principle of his ſyſtem of deſtruction; and labours it with earneſtneſs proportioned to its conſequence and extent. And this is "the *illuminating and divine principle of the equality of man*;" not that equality in the ſight of the law ſpoken of in the French Declaration of Rights, but abſolute poſitive equality, received immediately from God, in the *ſame manner as if poſterity had been continued by creation inſtead of generation*;—from which it follows as a neceſſary conſe-

conſequence, that ſociety cannot give or any man poſſeſs any right to appropriate to his own uſe any part of the common benefits of nature, more than his neceſſities immediately require, ſo as to exclude from them any other men, who have all an equal right with himſelf.

Here then is the foundation laid for the great work of *regeneration!*—Here is the rejection of the "old law" to make way for the new teſtament of Thomas Paine; and when he has proceeded to eſtabliſh, as he ſhortly afterwards does, *that we have no conſtitution*; it is impoſſible to be more free than we are to engage with any projector who will undertake to make us a government upon the beſt and cheapeſt terms. And here again Thomas is ready with his propoſals. He offers not only to pull down, and clear away the rubbiſh, but to rebuild, all of the beſt materials, and at the loweſt prices, and upon an entire new plan of his own invention, and here it is.

1. *Man did not enter into ſociety to have fewer rights than he had before. Every civil right has for its foundation ſome natural right pre-exiſting in the individual, but to the enjoyment of which his individual power is not in all caſes ſufficiently compleat. Every civil right is a natural right exchanged.*

From

From whence it follows, that man does not enter into ſociety that his natural appetites and paſſions ſhould be reſtrained, but that he may *take the arm of ſociety in addition to his own, whenever his powers for their enjoyment are defective in the individual.*

2. *The natural rights which he retains are all thoſe in which the power to execute is as perfect in the individual as the right itſelf.*

But it has been already demonſtrated, that according to the "divine principle of the equal "rights of man," no man can have a right to poſſeſs any thing to the excluſion of others; and that every man has a right by his own force, and the aſſiſtance of ſociety if neceſſary, to reſiſt ſuch excluſion; and the enjoyment of a beautiful female or any other of the goods of fortune being among theſe natural rights in which the power to execute is as perfect as the right itſelf; it follows that thoſe acts which have been hitherto injuriouſly diſtinguiſhed and unjuſtly puniſhed under the names of rape, and robbery, and burglary, and aſſaſſination are in reality no more than civil *rights founded on natural rights pre-exiſting in the individual. Rights which the power produced from the aggregate of natural rights imperfect in power in the individual,* (or in plainer terms the power of the ſtate) *cannot be applied to invade.*

After having taken this ſhort view of the direct, main doctrines, let us examine the ſophiſms by which they are collaterally ſupported.

Mr. Burke has it ſeems ſaid, "that the people of England will reſiſt the practical aſſertion of certain rights with their lives and fortunes." Upon which Thomas obſerves, "that men ſhould take up arms and ſpend their lives and fortunes not to maintain their rights, but to maintain that they have *not* rights is an entirely new ſpecies of diſcovery, and ſuited to the paradoxical genius of Mr. Burke." Now I would aſk this excellent logician what is to be underſtood by the *practical aſſertion* of the rights "to chooſe new governors, to caſhier the old ones, and to frame a new government" but the riſing up in force for theſe purpoſes? and what there is "ſtrange," or "marvellous," or "paradoxical," in ſuppoſing that thoſe who approve the preſent government and the preſent governors will reſiſt theſe changes, and defend the preſent eſtabliſhment with their lives and fortunes? But Thomas ſaw confuſedly a ſort of antitheſis between *rights* and *not rights*, and with the moſt ſelf-ſatisfied air of ſuperiority produces this miſerable ſophiſm which a ſchool-boy of ten years old would be able to detect.

Page 12, he says, "*the laws of every coun-*
"*try must be analogous to some common principle*"
—this, as I do not understand I cannot deny—
"*In England, no parent or master, nor all the au-*
"*thority of parliament can bind or control the per-*
"*sonal freedom even of an individual beyond the*
"*age of twenty-one years.*" No? what are soldiers, and sailors, and hired servants, and articled clerks, journeymen, &c.? Is not their personal freedom bound and controlled by their officers and masters under the authority of parliament?

On what ground of right then could the parliament of 1688 *bind posterity?* This syllogism with its unintelligible major, its false minor, and its consequence bearing but a slight analogy to the premises, is, I think, a perfect model of impertinent logic.

Page 17, we are presented with a maxim *à la Fayette* introduced with great pomp and solemnity—*For a nation to love liberty it is sufficient that she knows it, and to be free it is sufficient that she wills it.* In the first of these aphorisms whether the modern Lycurgus means to speak of a practical or a theoretical acquaintance with civil liberty; whether of a love created by the habitual experience of its excellence, or by the attraction of its abstract beauty; of American or French liberty; we are left to discover. If

he had said that a government resting on laws, by which personal liberty and property are equally secured to all, and which no man has the power to dispense with or control is the best foundation for national happiness, he would have repeated an intelligible truth, confirmed by the experience and consent of ages. But this could not have been reduced to the quintescence of a philosophical maxim, nor have hitched into the antithesis which follows—*and to be free it is sufficient that she wills it.* Nothing can be more vague than the sense of abstract terms when used by confused minds. Supposing the adverse interests and passions of men to be united in one volition, a supposition not very easy to make, civil liberty is an extremely complicated idea, and men must differ from each other widely in their conception of it. National freedom depends upon the action and re-action of a thousand springs. It is not only the result of great wisdom but of great good fortune; it must be the work of time and experience, and supported by a combination of circumstances, which from the few free states recorded in the annals of mankind we must suppose to be extremely rare*. The Americo-gallic commander might

* Nam cunctas nationes et urbes populus, aut primores, aut singuli regunt: delecta ex his & constita Reipublicæ forma,

might just as well have said that "for a nation "to be wise it is sufficient that she wills it," as that the mere will to be free will give a free government. For the rest, Mr. Paine observes very truly, that "these sentences do not finish "like Mr. Burke's periods with music in the "ear and nothing in the heart," for they are as unmusical as they are absurd.

As I love to render justice to all men, I will allow that from page 19 to page 27, he exposes some of the toryisms of *The Reflections* with a good deal of spirit and success in his rough plebeian way; and the contrast between the polished redundancy of the one, and the quaint vulgarity of the other is not unpleasant.

Page 35, he ridicules Mr. B. for "building "a tragic scene" upon "carrying the heads "upon spikes about Paris," and considers *The Reflections* as "a greater outrage" than the assassinations; and then justifies these barbarities by the example of the heads upon Temple Bar! Page 37 and 38 he contends that "this disposition to cruelty is owing to the distinctions of so- "ciety."—"A vast mass of mankind," he says, "are degradedly thrown into the back ground of

forma, laudari facilius quam evenire; vel si evenit, haud diuturna esse potest. TACIT. Ann. IV. 31.

"human

"the human picture to bring forward with "greater glare the puppet show of state and aristocracy."—I wish he had told us how these distinctions in society arise: In such an investigation he must soon have been reduced ultimately to refer them all to the unequal distribution of riches. It is relative *poverty*, occasioned by luxury and commerce by which men are thrown into the shade of the picture; and riches and luxuries and arts that glare in the front.

Pages 47, 48, &c. he asks, "does Mr. Burke "mean to deny that man has any rights? If he "does he must mean that there are no such "things as any rights any where, and that he "has none himself; for what is there in the "world but man." The sophistry of this question and the rest of the passage depends upon the loose and indefinite usage of the words *man* and *rights*. In a pure state of nature, supposed previous to the formation of society, the rights of every individual must have been coequal with his natural powers, and capacities, and wants; like the rights of the carnivorous to devour the frugivorous animals, and theirs to consume the vegetable world; rights proved by their teeth and claws and the conformation of their stomachs; and after the formation of societies, his rights are determined and ascertained by the laws and institutions of the so-

ciety in which he is born; and these social rights, being all relative rights, must always be liable to vary with the circumstances, and cannot therefore be reduced to any positive or immutable principles. As to the author of *The Reflections*, he might and probably would answer for himself that he is satisfied with the civil rights which are secured to him by the laws of the society to which he belongs.

This great political luminary, rising like the sun upon the darkness of past ages, has not only discovered and laid open the eternal principles of legislation, but "*an eternal source of* "*authority to which we may refer*," and this is—ADAM—*we are now arrived at the origin of man and the origin of his rights.*—Oh rare![*]—*Here our enquiries find a resting place and our reason finds a home.*—The reason of a Plato, or a Montesquieu, or a Locke, or a Bayle, would have felt itself, I believe, but ill lodged.—*The unity of Man in the creation is the divine origin of the rights of man*—To be sure when there was but one man there could be no inequality of persons.—*The genealogy of Christ is traced to Adam, why not then trace the rights of man to the creation of man?* Now what, in the name of common sense, is there in common be-

[*] Pages, 47, 48.

tween

tween the genealogy of Chriſt and the rights of man? But to talk to him in his own cant; how does he reconcile the preference given by God to one people over all others—to this illuminating *divine* principle of the equal rights of man?—What does he ſay to the promiſe of the Lord to Rebecka, "that two nations ſhould ſpring from "her womb, one of which ſhould ſerve the "other," or to the ſale of the right of primogeniture under the divine ſanction?—or to the prophetic bleſſings of the patriarchs; "Let people "ſerve thee and nations bow down to thee; "be lord over thy brethren, and let thy mo-"ther's ſons bow down to thee."—Or to the difference made between the deſcendants of Ham, &c.—How the Lord came to ſuffer the world to remain ſo long in ignorance of this *unity of man in the creation* which he had deſtined from the beginning to be the ſource of their natural and civil right as well as of their moral duties?—How it has happened that ſince the exiſtence of ſociety this principle has never once that we know of been applied to the purpoſe for which it was ordained? and finally why the Lord has hid this *greateſt and moſt advantageous truth* from all his patriarchs and prophets, and inſpired writers of the old world to reveal it in this latter day to an American

ex-ſecre-

ex-ſecretary—when he has anſwered theſe queſtions I have many more to aſk *.

" If," he ſays, " any generation of men " ever poſſeſſed the right of dictating the " mode by which the world ſhould be go- " verned for ever, it was the firſt generation " that exiſted."—But neither the firſt generation or any generation ſince that we have heard

* Sir Robert Filmer makes uſe of the very ſame argument from ſcripture, which Mr. Paine brings to prove the rights of man to equality, and almoſt in the ſame words exactly for the contrary purpoſe; the unity of man in the creation is the ground he takes to eſtabliſh the divine rights of Kings and the reſt of his execrable ſyſtem of civil ſlavery.—" I " cannot, (he ſays) but reverence that form of government " which was allowed and made uſe of for God's own peo- " ple.—It were impiety to think that God would not fur- " niſh them with the beſt form of government.—It is a " ſhame for us chriſtians to ſeek the origin of government " from the inventions or pictures of poets, orators, philoſo- " phers, and heathen hiſtorians, *who all lived thouſands of* " *years after the creation, and were in a manner ignorant of* " *it*, and to neglect the ſcriptures which have with more " authority moſt particularly given us the true ground and " principles of government."

Preface to "The Anarchy of a Limited or Mixed Monarchy."

" Natural freedom (he ſays) cannot be ſuppoſed, with- " out the denial of the creation of Adam.—It is not " poſſible for the will of man to ſearch out the firſt grounds " or principles of government except he knew that at the " creation, one man alone was made to whom the dominion " of all was given."

Obſervations touching Forms of Government.

So Doctors differs, and ſo are the people duped!

of, ever aſſerted any ſuch ſenſeleſs claim. Men in ſociety are governed by *moral* neceſſity, as in a ſtate of nature they are governed by *phyſical* neceſſity. Governments are formed or changed according to circumſtances and relations for ever fluctuating. Men are bound under the ſtricteſt moral obligation to ſubmit to the government under which they live, as long as they enjoy the benefit of it; or as long as it retains the power of enforcing obedience. No two governments ever have been or ever can be exactly alike, nor can any government remain long exactly in the ſame poſition. Political bodies have their birth, their infancy, their youth, their manhood, their old age, and their diſſolution like natural bodies; and are like them ſubject to accident and diſeaſe. They are in all degrees of better and worſe, and very rarely in the extreme of good or bad. The changing of any mode or ſyſtem of regulation under which a ſociety actually exiſt, muſt (as the authour of The Reflections well ſays, when generally applied) "always be a queſtion of "diſpoſitions and of means and probable conſe-"quences rather than of poſitive rights."

Dr. Price had ſaid, that "under the conſti-"tution declared at the Revolution the people "of England acquired *a right to frame a go-"vernment for themſelves*" (for the two other

poſitions,

positions, *to choose their own governors and to cashier them for misconduct* are included in this) This Mr. Paine denies, and it is not for me to reconcile these great authorities to my humble opinion, though they differ with each other they are both mistaken, Mr. Paine in supposing that "the parliament of 1688 set up or assumed "any rights of controling posterity to the end "of time," (p. 10, 11.) And the Doctor in not perceiving that the right they maintained was the right to *preserve* and not the right to *destroy*. The right to withdraw their allegiance from the King, to prevent the dissolution of the constitution; not the right to dissolve the constitution themselves.

Page 51. Thomas complains of "the vast "distance to which man, considered as man, is "thrown back from his maker by the present "existing governments in all parts of Eu-"rope;" and ridicules, with his wonted happy vein, "the turnpike gates set up by Mr. Burke "between man and his maker." Unluckily however these turnpike gates are not at all of this gentleman's setting up, but were all erected long ago by men who, as we have been taught to believe, were immediately inspired by God himself.

Mr. *Paine*, page 51—"I will quote Mr. "Burke's catalogue of barriers that he has set

" up between man and his maker. Putting " himself in the character of a herald, he says, " *We fear God—we look with awe to kings—* " *with affection to parliaments—with duty to ma-* " *gistrates—with reverence to priests—and with* " *respect to nobility*—Mr. Burke has forgotten " to put in chivalry—he has forgotten to put in " Peter."

St. Peter says—" Submit yourselves to every " ordinance of man for the Lord's sake—Whe- " ther it be to the king as supreme or unto go- " vernours as unto them that are sent by him " —Honour all men — love the brotherhood " — fear God — honour the king — ser- " vants be subject to your masters." *St. Paul* says — " Let every soul be subject to the " higher powers.—They that resist shall re- " ceive to themselves damnation — render " therefore to all their dues—tribute to whom " tribute is due, custom to whom custom, ho- " nour to whom honour."—It seems to be Thomas and not Mr. Burke that has " forgot- " ten Peter."

" The duty of man," he adds," is not a wil- " derness of turnpike-gates through which he is " to pass by tickets from one to another." How *duty* can be a *wilderness of gates* I certainly am not prepared to show; but if the authour by this figure means to describe the moral affec-

tions

tions and obligations as independant of and unconnected with each other, his ethics are in my opinion as falſe as his politics. The moral as well as the political conſtitution is held together by gradations and dependencies, formed out of their relative and reciprocal nature. Theſe are the ſoft ties of human ſociety. Abſtract duties exiſt in the hollow brains of philoſophers, but not in the practical offices of life. Our ſubordinations and mutual dependencies are the ſources of a thouſand of the tendereſt and moſt endearing virtues, and miniſter to the heart in a thouſand lovely forms. If the perfect moral and natural equality and independency of man could be eſtabliſhed, this inſulated monk, without the power and conſequently without the benevolence of a God, and without the natural affections of a man, would be the moſt deteſtable as well as the moſt miſerable of all beings.

Till the reader is warned by repeated diſappointments his expectation is conſtantly excited by ſome pompous unproductive prelude. Page 56, he ſays, "To poſſeſs ourſelves of a clear "idea of what government is or ought to be, "we muſt trace it to its origin." Should not one ſuppoſe from this opening that he was going to give us an analyſis of civil ſociety in its ſource and progreſs? Inſtead of this he contents himſelf with aſſerting, *ex a periculo*, "that in

"doing

" doing this," (which he leaves us to do for ourſelves) " we ſhall eaſily diſcover that all " governments muſt have ariſen either *out of* " the people or *over* the people;" in which he does nothing more than confound a mode of exiſtence common to all poſſible governments, good and baſe, viz. that of being over the people, with the cauſe and origin of governments; and this he calls, " poſſeſſing ourſelves of a " clear idea of what government is and ought " to be."

With the ſame acuteneſs and preciſion he propoſes " to define what is meaned by a con- " ſtitution;" and then inſtead of any thing like a definition, he gives a vague deſcription of the particular kind of conſtitution which he deſires to recommend. But this paſſage deſerves to be examined. It is one of the moſt curious in the whole work.

Page 56. " *A conſtitution is not a thing in name* " *only but in fact.*"—That is a thing is a thing —*It has not an ideal but a real exiſtence, and wherever it cannot be produced in a* VISIBLE FORM *there is none at all.*—What does its exiſtence depend merely upon its being written down?—*A conſtitution is a thing antecedent to government, and a government is only the creature of a conſtitution.*—Now all this, ſo far from amounting to a definition of the ſubject, I think only

only ſhews that our author either does not or will not underſtand the etymology or ſignification of the term he pretends to define. A conſtitution, as the word implies, means any thing conſtituted of parts, making a whole; as we ſay the conſtitution of a borough or the conſtitution of a horſe. When applied particularly to government, it means the aggregate of the laws and inſtitutions and eſtabliſhments, whether they have ever been collected in a written code or not, by which the country or nation referred to is governed; and it may be good or bad in every poſſible proportion and degree; and as the conſtituent parts muſt exiſt before the body which they conſtitute, ſuch a conſtitution cannot "be antecedent to" the conſtitutions, and laws, and regulations of which it is compoſed.

"*The conſtitution of a country is not the act of* "*its government, but of the people conſtituting a* "*government*—but to be "*a country*" or "*peo-* "*ple*" beſpeaks ſome ſort of conſtitution good or bad, already exiſting, and conſtitutions have neither been a ſingle *act of the government* nor of *the people conſtituting a government*, but have been like all other human inſtitutions, ſubject to change and alteration by circumſtances and neceſſities, and chance in progreſſive time. Becauſe, as this ſame authour wiſely though incon-

inconsistently observes in another place, (p. 16.) "the circumstances of the world are continually changing and the opinions of men change also; and that which may be thought right and found convenient in one age may be thought wrong and found inconvenient in another."—*It is the body of elements to which you may refer, and quote article by article.*"—You may call the laws and constitutions of any society the *elements of their constitution* if you please; and they may and *will be referred to and quoted article by article* as often as is necessary—*and which contains the principles on which the government shall be established*, &c.—*in fine, every thing that relates to the compleat organization of a civil government, and the principles on which it shall act and by which it shall be bound.*—Here this writer prescribes a new and untried mode of constituting a government *a priori*, by first inventing an architype or abstract ideal form, and then bending and forcing all circumstances, lopping the long and stretching the short, to fit this perfect model and measure of excellence; and then insists appropriating the generic term of constitution exclusively to this particular species; and because our constitution has grown out of our laws and not our laws out of our constitutions, he very impudently tells

tells us that *we have no conſtitution at all*. To confirm ſelf-evident truths by proofs is not eaſy, they can only be ſtrengthened by a reference to ſome other ſelf-evident truths of equal force. Deſcartes ſays, "I think, therefore I am." England is governed by known and eſtabliſhed law, therefore it has a conſtitution. An illuſtration is not an argument, but where the analogy is ſtrong it is almoſt as forcible. Would any man think of contending that we have no *language* becauſe our language was not originally framed according to certain rules of abſtract or univerſal grammar; or ſeriouſly adviſe us to burn all our books, and begin the world again with a new "regenerated" language becauſe the Engliſh tongue contains many idioms and anomalies not reducible to theſe rules? "Grammar," would he ſay, "is a thing ante-"cedent to language, and language is only the "creature of grammar?" "If the grammar "upon which the language was formed cannot "be produced, no ſuch thing as a language "exiſts or ever did exiſt; we have yet a lan-"guage to form?" Certainly to deny the exiſtence of Weſtminſter Abbey, becauſe it is not conſtituted according to any of the five orders deſcribed by Vitruvius would be juſt as reaſonable.

Rules for action must be drawn from practice and experiment, and not from the dreams of metaphysicians. As well might an excellent drama be formed out of the mere unities of Aristotle, as a good government out of the mere equal rights of man. As easily can we cease to have our feelings awakened, and our hearts improved by the works of our divine Shakespeare, because he was ignorant or careless of these laws, as we shall be persuaded to sacrifice the native beauties of our constitution because they are not deducible from certain useless and impracticable abstract rules. As soon shall we employ Thomas Paine to new model Othello and Macbeth to the metaphysical laws of the French drama, as to new model our government to the metaphysical laws of the French constitution. Such legislation puts us in mind of the philosophical taylor of Laputa, who, to make a suit of cloaths only took measure of the thumb.

Page 57, Mr. Paine says in continuation, "*Mr. Burke will not, I presume, deny the position* "*I have already advanced, namely, that govern-* "*ments arise either out of the people or over the* "*people.*"—Mr. Burke will probably neither deny or affirm this position because he will perceive that it is nonsense. For government must

must always be *over* the people governed, whatever be its mode or its origin, whether it arise out of conquest or out of common consent: and he concludes with preaching to us in a figure borrowed from one of the darkest mysteries of our faith, the saving doctrine of the new birth as necessary to political as well as religious salvation.—*The country has never* REGENERATED *itself and is* THEREFORE *without a constitution**. So that the constitution which Montesquieu cites as above all others *directly tending to political liberty, and establishing liberty by its laws*, and of which he gives an accurate analysis, Thomas Paine assures us *neither does exist or ever did exist, and is still to form.*—It is true, indeed, that Thomas is not a Montesquieu.

Page 58, "he perceives" that "Mr. Burke "could not perceive that there was any such "thing as a constitution," because "he has "not explained what it is in the work he "then published." To argue that a thing does not exist, or that a man does not believe that it exists, because he has not written a book

* To endeavour to prove that a thing does not exist because it has not undergone a change, which implies the necessity of previous existence, is too gross a contradiction to have escaped a mind endowed with common logical powers.

upon it, does not seem perfectly satisfactory. If ever this eloquent and learned writer should publish a dissertation on the British constitution, though it may perhaps be tinctured with some prejudices in favour of the monarchical branch, it will not fail to contain much excellent elucidation of the subject. In the mean time let those who are ignorant and desire to be informed what the English constitution is, look into the sixth chapter of the eleventh book of the *Spirit of Laws*.—"There is a nation in the "world," says the illustrious authour, "the "direct object of whose constitution is politi- "cal liberty. Let us examine the principles "upon which it is founded."—And after giving a beautiful analysis of the English constitution; he adds, "whether the English "actually enjoy this liberty or not, it is not "for me to determine, it is sufficient for me to say that "IT IS ESTABLISHED BY THEIR "LAWS, and I seek no farther." The first and great feature of the English constitution is, that it is a *government by law*, by which all men are equally bound, and which no person whatsoever has any right or power to alter, or suspend, or dispense with; that the person and property of the poorest peasant is as secure from wrong and violence in his humble cottage, "where

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"the wind and the rain may beat in but the "king himself dares not enter," as the prince in his palace; that every one may freely do whatever is not forbidden expressly by the law. This is *the justice* of the constitution. Its *wisdom* consists in having made it the interest of those opposite and contending principles, necessarily arising from inequality of possessions, which naturally tend and are usually employed to disturb and overturn government, to unite to maintain and preserve it. Wherever the poorer sort have it in their power to sell their liberties they will be liable to be bought by the rich, and the government will be in constant danger of falling under the worst sort of aristocracy; but by having *incorporated* aristocracy in a House of Lords, with fixed and limited powers, they have given them an interest to maintain the mixed constitution such as it is against a democracy on the one hand, and an arbitrary monarchy on the other: and the people having no share in the government except by a limited number of representatives, are restrained from selling the *fee simple* of their liberties as the Romans did to Julius or Augustus; and the king, having constitutional rights and powers coequal with and independant of both, is a check upon both.

The

The authour of *The Reflections* to ſignify that the crown of England is not elective, has expreſſed himſelf as if the king did or might *deſpiſe* the opinion of the people; and this invidious expreſſion gives occaſion to our author to vomit forth a monſtrous collection of indigeſted crudities. Not to be outdone in *contempt* for the opinions of the people, he begins by very contemptuouſly aſſuring us, that "as to who is "king in England or elſewhere, or whether "there is any king at all, or whether the peo-"ple chuſe a Cherokee chief, or a Heſſian huſ-"ſar for a king is not a matter that he troubles "himſelf about:"* and then he takes fourteen pages (from 129 to 142) to prove this ſingle poſition—*That every hereditary eſtabliſhment muſt be unjuſt, becauſe laws made by one generation* CANNOT BIND ANY FUTURE GENERATION.

To have ſhewn that this principle is abſolutely ſubverſive of all laws and inſtitutions and governments in the world is, I am well aware, ſo far from an anſwer to this *eſtabliſher of*

* This ſeems to be imitated from a piece of wit, publiſhed ſome years ago in *The World*, entitled the *Unbeliever's Creed*, in which this is one of the articles—"I believe that "matter is God, and that God is matter, and that it is no "matter whether there is any God or not."

ſubver-

verſion it is exactly what his ſyſtem of deſtruction ſeems to prove; but ſurely all perſons of competent underſtanding, who are neither wicked nor infane, muſt perceive the extreme fallacy and confuſion of this deteſtable nonſence. They muſt have ſeen that every law once eſtabliſhed, and the law of the hereditary ſucceſſion to the crown amongſt the reſt, neceſſarily remains in force till repealed by the legiſlature, or reſiſted by the whole nation; and even the authour of *The Reflections* himſelf has not diſputed, but allowed the full and compleat right and power of the legiſlature to repeal, or the nation to reſiſt. The hereditary ſucceſſion to the crown has been hitherto conſidered as liable to fewer objections than any other mode, and does and will remain eſtabliſhed till altered by the power of the legiſlature or the force of the nation, exactly in the ſame manner with every other law and inſtitution whatever. The logic our authour employs on this occaſion is worthy of his object. *The Reflections* ſtates, that the crown not being elective, the members of a certain Revolution club conſequently can have no vote either collectively or individually in the election. But ſays Thomas (page 130.) "the Revolu-
"tion Society is compoſed of citizens of all de-
"nominations, and of members of both Houſes
"of Parliament, and conſequently if there is

" a right to a vote (a vote where and how) in " any of these characters there can be no right " to any either in the nation or its parliament." —As if their having no vote individually and out of parliament, or collectively as a club, in a case where it is established that there shall be no election, precluded their right in their legislative capacities to alter that very establishment or any other whenever they shall see good cause for so doing! " And this," adds Thomas " ought to " be a caution to every country how it im- " ports foreign families to be kings;" which implies, if it implies any thing, that the preservation of the hereditary succession was the consequence and not the cause of the legal establishment of the present royal family!

To prove that " a whole nation may change " its government when it pleases," there was no necessity for producing the high authority of Lord Shelburne; for as neither the ex-minister nor the ex-secretary will probably contend that this right is to be made use of without expediency, the right or power (which is here the same) cannot be denied; and it only remains for these great men to prove the wisdom and expediency of presently exercising it.

In answer to an observation in *The Reflections* that an hereditary crown preserves our hereditary liberties, " *who*," says Thomas, " *is to* " *take*

" *take them away?*"—Ambitious chiefs of the Senate or leaders of the army, or furious demogogues at the head of a licentious populace.—" *What ſervice, does the Crown per-*" *form, what is its buſineſs, and what are its* " *merits?*—Its ſervices are to preſerve us from being devoured by theſe beaſts of prey, its buſineſs to exerciſe defined and limited powers committed to it for this purpoſe, and its merits the being perfectly well adapted to the end of its inſtitution.

Hereditary eſtabliſhments, wherever they are admiſſible, have the ineſtimable advantage of hereditary reſpect. Authority founded on opinion is of all others the moſt light and gentle. The kind of filial regard which the example of our fathers and our own early impreſſions have taught us to feel for our hereditary inſtitutions, connects civil and political obedience with the moral and ſocial duties; and ſociety comes to reſemble an affectionate and well-regulated family. Great indeed and incurable muſt the evil be to diſſolve all the moral ties by which ſociety is held together; to authoriſe every order and deſcription of men to renounce like the prodigal ſon, the paternal protection of the ſtate, and to ſay to it " Father give me the portion of goods that falls " to me."

The authour evinces ſome dexterity in introducing his nonſenſe by way of reply to ſome other ſuppoſed nonſenſe if poſſible greater than his own. No perſon of common ſenſe has certainly ever maintained that men could bind their poſterity to make no alteration in their laws and inſtitutions, and yet the whole of his reaſoning depends upon the ſuppoſition that this is the received opinion of all the friends to the hereditary monarchy, than which nothing can be more abſurd and untrue.

Hereditary monarchy has been eſtabliſhed becauſe it has been found good; and it is continued not merely becauſe it has been eſtabliſhed, but becauſe we ſtill hold the ſame opinion of its utility and excellence with our fathers; and let him if he pleaſes conſider our conſtitution as a *bequeſt* from our anceſtors, this will but add a ſort of reſpectful veneration to our approving reaſon; if A builds a houſe and bequeaths it to B; B who finds it good and convenient, will not pull it down becauſe he did not build it himſelf, but will be thankful to be well lodged without trouble or expence.

One of his moſt ſpecious objections to hereditary inſtitutions is that wiſdom is not hereditary.

tary. * With this master argument, after having already presented it in an hundred different shapes, our authour concludes his attack; "as the exercise of government requires ta-"lents and abilities, and as talents and abilities "cannot have hereditary descent, it is evident "that hereditary succession requires a belief "from man to which his reason cannot sub-"scribe." But this objection is neither confirmed by experience nor by the consideration of the subject. Without agreeing with Helvetius that every man born with his natural organs compleat is capable of receiving and combining an equal number of ideas; and that difference in talents and abilities is therefore wholly owing to education; it must be allowed, that to fit a a man for any artificial situation, the particular knowledge of the art or science he is to exercise, which can be only obtained by education, is preferable to any uncultivated power of mind however great; the judgement of the simplest artist in his own art is better than the unexercised opinion of genius itself. In an hereditary body

* When we consider by whom *elections* are proposed to be made; how little the mass of the people are in a condition to appreciate real talents; and how liable to be deceived even by such pretenders as this authour; we shall be inclined to think wisdom not more *elective* than it is hereditary.

conſiſting of the richer and better ſort, the *optimates* or *primores*, ſuch as the Britiſh Houſe of Lords, the beſt education that the country affords is ſure to be given to the riſing expectant members, and a majority of them will be nurtured in principles of honour if not of virtue: If they are not all men of genius, they are at leaſt all men of liberal education; ſo that with their common chance for natural endowments, they have the ſuperior advantage of an education preparatory to their future deſtination; as well as the greateſt intereſt in the preſervation of the republic. And the experience of the fact is conformable to this view of the object. No public aſſembly has preſerved a higher character for wiſdom and integrity than the Houſe of Peers; the judgements of the *Areopagus* to which it was ſaid the gods might have appealed, were not more juſt and pure than the deciſion of this high court of dernier reſort. I confeſs I ſhould at this moment entertain a very low opinion of the diſcernment of that perſon, who having a fair and honourable cauſe, would rather take the National Aſſembly of France for his judges than the Engliſh Houſe of Peers.

How far the titles and attributes of the King of England are applicable to the theories of philoſophers we will leave to academicians and

beaux

beaux esprits to determine. Let them if they please amuse themselves, and us too if they can, with speculative distinctions between the king and the sovereign;" let them make the nation, the sovereign, and the king an officer. While his powers and prerogatives are ascertained and acknowledged, under what names or distinctions is perfectly indifferent. The nation may for aught I know be "*essen-*" *tially* the source (*or fountain if you will*) of *sovereignty* and the king be nevertheless the fountain of *honour*; in this there is no sort of contradiction; for it is only to suppose the king to be a reservoir supplied by the great fountain, and every thing may flow on again in its due course to the end of time.

Labitur & labetur in omni volubilis ævo—

For the rest, the English have seen what the French may find out too late, that the more they take from the real force of their executive power, the more they ought to cloath him with all the attributes and distinctions of personal dignity that can create respect and veneration; to supply the want of coercive powers by the influence of opinion; and they who have in their hands the real power should be the first to set the example. Mr. Paine does not see that these marks of reverence and submission have been

been carefully preſerved by our anceſtors as neceſſary ſubſtitutes for the real prerogative which they took away; that when we ſay we do moſt humbly and faithfully ſubmit ourſelves, heirs, and poſterities, for ever; this is the voluntary ſubmiſſion of freemen to an inſtitution which they have judged neceſſary to the preſervation of a national permanent freedom. When they deprived their kings of the power to do them harm, they very wiſely and ſafely entruſted them with power of doing good, becauſe they conſidered the preſervation of the monarchy as eſſential to the preſervation of that conſtitution which from reaſon and experience they beſt approved. We therefore love and venerate our limited monarch, becauſe we believe that he preſerves us from a ferocious venal democracy, from a cruel haughty ariſtocracy, and from the unlimited tyranny of a maſter; becauſe we truſt that he is at this moment poſſeſſed of powers to withhold (if it were neceſſary) the hand of the conſtitution from committing the deſperate act of ſuicide recommended in this "Rights of Man;" from ſacrificing our religion and laws and morals and cuſtoms and manners upon the altar of I know not what deaf and dumb idol; from looſening ourſelves from every tie of duty, that

we may be ſtained with our own works, and go a whoring with our own inventions.

How far the mixture of ariſtocracy in our public ſyſtem "has tended to degenerate the "human ſpecies," (another of Thomas's cynical objections) let thoſe lovely forms that grace the Britiſh court declare, in whom the ſplendour of royal or noble birth is eclipſed in the ſuperior luſtre of perſonal charms; whoſe beauty diſdains the aſſiſtance of rank to captivate the beholders.

There have always exiſted in greater or ſmaller degrees two deſcriptions of perſons alike dangerous and unfriendly to the mixed government of England; thoſe who deſire a republican form, and thoſe who wiſh to give the King a control over the laws; and theſe two parties have at all times been equally oppoſed by the conſtitutional whigs, eſteeming the conſtitution ſuch as it is fully adequate to civil liberty, and the beſt adapted to the genius of the nation; and the attachment of theſe men to the monarchy is ſtrong and uniform, becauſe founded on the opinion of public advantage. As long as the king remains within the limits of the conſtitution he is ſure of the reſpect and ſupport of theſe men; but they will not go a ſtep farther; for their attachment is adherence to the conſtitutional monarch, and not perſonal devotion to

the man. While he is king according to the law they venerate him as the palladium of their liberties; if he endeavours to become more they will not only withdraw their reſpect and veneration but their allegiance alſo; they will, if neceſſary, depoſe the monarch to preſerve the monarchy *.

" Government," ſays Mr. Burke, " is a con-
" trivance of human wiſdom." Would any body have conceived this poſition liable to controverſy? But Thomas, with wonderful miſ-apprehenſion, confounds *government* with the *perſons* exerciſing it—the play with the actors—the ſhip with the pilot—the bellows-blower with the organ—and then triumphs in his own miſtake for three pages together. " Admitting," ſays he, " that government is a contrivance of
" human wiſdom, hereditary ſucceſſion can make
" no part of it becauſe it is impoſſible for wiſ-
" dom to be hereditary."—But the more wiſ-

* Though Thomas extols the French conſtitution for the purpoſe of deſtroying ours, he diſapproves of both. In the laſt ſummer he publiſhed in the papers a challenge to the Abbé Syeyes (the member who drew up the French declaration of rights) written in the moſt violent ſtile, engaging to prove that the monarchy in France ought to be entirely aboliſhed, &c.; to this challenge the Abbé made a reply in the ſame papers; to which I have not heard that our authour ever rejoined.

dom

dom there is in the *contrivance* of government the leſs will be neceſſary for carrying it on. Extraordinary art and knowledge may be requiſite to conſtruct an ingenious machine which may be worked by an aſs. "If," he adds, "government be a contrivance of human "wiſdom, was wiſdom at ſo low an ebb in "England that it was become neceſſary to im-"port it from Holland and from Hanover?"— With a man that cannot or will not diſtinguiſh between the *government* and the *perſon of the king* it is impoſſible to argue; ſuffice it then to obſerve, that it was a *man* and not a *government* that was imported; and that the authour of *The Reflections* aſſuredly never meaned to call either William or George a contrivance of human wiſdom.

The ignorance and confuſion with which our good friend endeavours (p. 70) to adopt the abolition of nobility in France to the uſe of England I ſuſpect to be in part affected. Though he did not know the meaning of the word *ariſtocracy* himſelf, every dictionary would have told him that it ſignifies ſimply (as its original ſenſe imports) *the government of the better ſort*; a word never uſed in a bad ſenſe, to expreſs any tyrannical exerciſe or abuſe of power, before Mr. La Fayette and Paris fiſh-wives. The Gothic feudal government of France no

more reſembled an *ariſtocracy* than the parliament of Paris did the Roman ſenate. "The "French," cries Thomas, "ſays there ſhall "be no titles, and of conſequence all that claſs "of equivocal generation which in ſome coun- "tries is called ariſtocracy, and in others nobi- "lity is done away, and the peer is exalted into "the man."

I have ſaid before, and I again repeat it, that the territorial juriſdiction and the privileges and immunities of the feudal nobility appear to be wholly inconſiſtent with that *equality in the ſight of the law* without which there can be no civil liberty or free conſtitution. But what then? It does not therefore follow that in great rich commercial extenſive empires the *optimates, the better ſort*, are to be excluded from a fair determined ſhare in the government, ſuch as their weight and intereſt and conſequence entitles them to expect and demand*, and which their influence at the long run will always enable them to acquire; or that becauſe a feudal ty-

* "There are always in the ſtate perſons diſtinguiſhed by "their birth or riches, or honours; but if they were con- "founded with the reſt of the people, if they were reduced to "a ſingle voice, the common liberty would be their ſlavery; "and *they would have no intereſt to defend it, becauſe the "greateſt part of the general reſolutions would be againſt them.*" *Eſp. des Loix, liv.* xi. *chap.* vi.

ranny

ranny is to be deſtroyed, a democratical republic is the only government that can be ſubſtituted in its place! Our anceſtors judged more wiſely; they aboliſhed, not violently and at once, but by degrees, the oppreſſive parts of the feudal ſyſtem and retained the good, for ſome good this ſyſtem with all its faults certainly had. The laws of *honour* *, of ſuch univerſal force binding kings and diſgracing princes, which derive their exiſtence from this ſyſtem, are a great and valuable acquiſition to ſociety †. To ſtate as our Thomas does, that the actual nobility of England at all reſembles the nobility which has been aboliſhed in France is utterly falſe and abſurd: they differ *toto cœlo*. We have an ariſtocratical legiſlative and judicial ſenate or aſſembly, but no feudal body of nobility. They had feudal nobles, but no ariſtocracy. France was divided into two diſtinct claſſes, ſeparated like Dives and Lazarus by an

* When the authour of *the Reflections* ſpeaks of this *unbought grace of life, the cheap defence of nations; the nurſe of manly ſentiments*, &c. Thomas Paine aſks with great *naiveté*, "if any body can tell what he means?" This is perfectly in character.

† See Eſp. des Loix, liv. xi. cap. viii.

See alſo what is ſaid of the feudal government in the chapter upon the Engliſh conſtitution at the end.

impaſſable gulph; but the laws of England acknowledge but one *claſs* of men; for the two or three hundred perſons forming the houſe of peers is not a *ſeparate claſs of citizens*, but a legiſlative judicial ſenate accorded and ſubordinate to the law of the land; inſtituted for the *public utility*; to which all ranks are equally admiſſible; having by the law ſome perſonal privileges, as well as the repreſentatives in the *lower houſe*, to ſecure their attendance on their duty in parliament; but no territorial juriſdiction or power in the individual whatever.

Except in the determined number of perſons forming according to law the upper houſe of parliament, all titles are mere matter of courteſy unknown and unacknowledged by the law; ſo that when we ſpeak of a peer of the realm, or a lord of parliament, we do not, as this man ſtoliſhly aſſerts, "ſpeak of a chimerical non-"deſcript," (p. 71) "but we *do* aſſociate with "it the idea of office and character juſt as much "as when we ſpeak of a judge or a general." And this body is ſupplied not excluſively out of patrician families as the Roman ſenate was at firſt, but indifferently from all orders; and perſons of the leaſt illuſtrious extraction are frequently raiſed to the peerage for their knowledge in the laws to direct the judicial proceedings,

ings, or for any other eminent public merit or ſervice. As to the old feudal names of Duke or Baron, originally military among the Germans, and afterwards territorial under the Gothic ſyſtem, they were as good as any others to be applied to "*diſtinctions founded on public utility*," they were ready at hand, and had beſides the advantage of ancient cuſtom and popular opinion in their favour; and to the objection, "that "they are not to be found in the vocabulary of "Adam," I anſwer, that however forceible this objection may be, this authour has no right to make it, becauſe it is equally ſtrong againſt the titles of *exciſeman* and *ſecretary*, with which we are told he has himſelf been decorated. And the *manners* are accordant to the political inſtitutions. The lower ſort pay very willing reſpect to perſons inveſted by the law with theſe high legiſlative and judicial truſts; but let the firſt peer in the land inſult the humbleſt mechanic, let him if he dares lift up his hand againſt him, and both law and cuſtom puts them inſtantly upon an equality. The peer may and probably will be chaſtiſed by the mechanic firſt, and afterwards puniſhed by the law for having provoked the chaſtiſement *.

But

* If rank and office have their dignity, worth and talents are

But Meſſieurs Paine, La Fayette, and Co. ſee nothing of all this—"In France, (they "ſay) ariſtocracy had one feature leſs in its "countenance than what it has in ſome other "country—It was not *a corporation of ariſto-* "*cracy*, for ſo I have heard M. de la Fayette "deſcribe an Engliſh houſe of peers."—Theſe great men conſider the admiſſion of the better ſort to a determined repreſentative ſhare in the government as a greater evil than all the oppreſſive juriſdiction and exemptions and immunities and perſonal tyrannies of the feudal ſyſtem. That ſuch men ſhould think ſo or ſay ſo is perhaps nothing extraordinary; but it would be extraordinary indeed if they were to perſuade one man of common reaſon to be really of this opinion.

The cauſe of the expulſion of the nobles temporal and ſpiritual in France is to be looked for in their juſtly obnoxious privileges and powers, and their (perhaps conſequent) want of perſonal character; and not in any natural

are no leſs reſpected. A *Cooke or a Howard, a Wedgwood or a Bolton, a Hunter or a Prieſtly**, will command more conſideration and attention than a ſtupid or profligate lord or privy counſellor.

* The experimental philoſopher, not the politician.

inclina-

inclination of the people to abſtract philoſophical principles of equalization, which they are with difficulty brought to underſtand. To aboliſh the *tyrannical powers* and *unjuſt immunities* of the nobility and clergy was an eſſential point, a *ſine quâ non* to a free conſtitution under any form; and theſe patricians, by making their choice to ſtand or fall with their arbitrary privileges, and the arbitrary power of the crown, neceſſitated their own deſtruction. How utterly inadmiſſible they were into a free country as *citizens*, their ſubſequent conduct as *noblemen* has fully evinced. Had they ſubmitted to *equality in the ſight of the law*, that law could have protected them in the ſecure enjoyment of all the natural advantages ariſing from property and perſonal weight: could they have been made friendly to the liberties of their country, it would moſt probably have been deemed wiſe to give them an intereſt in their preſervation; but ſuch was their attachment to the hateful principles of arbitrary government, that they preferred becoming the penſioners and dependants of electors and ſubordinate deſpots to being the firſt citizens of one of the firſt countries in the world: the warmeſt admirers of the happy balance of the Britiſh conſtitution muſt allow that ſuch men could with no ſafety

be

be admitted to a ſhare in a government to every principle of which they were the declared and determined enemies; and their pride and puſillanimity, wanting wiſdom to conform and courage to reſiſt; their deſertion of their poſt, as inconſiſtent with the honour of brave gentlemen as their oppoſition to a free conſtitution was to the virtues of citizens, has done more to bring the name and character of a nobleman into diſcredit than all that has been ſaid againſt them by all the Thomas Paines that ever have written. To compare the conſtitutional nobility of England with theſe little tyrants, to contraſt their conduct in the revolutions of their reſpective countries in 1688 and 1788, is ſufficiently to anſwer thoſe who ignorantly or wickedly endeavour to confound them under any common title or deſcription. In England the principal men of the nation were the projectors of the revolution, the leaders of the people, the aſſerters of popular claims, the framers and maintainers of the declaration of rights. In France they denied that the people had any rights. In England the nobles and *optimates* are hoſpitable lords, diſpenſing plenty and content over their ample domains, beloved and followed by freemen with voluntary natural hereditary attachment. In France they were oppreſſors,

preſſors, curſed and reluctantly obeyed. In England their powerful influence reſts upon reciprocal benefits and mutual good-will. In France they are deteſted, abjured, and expelled, never more to be reſtored.

In the ſame ſpirit of dulneſs he goes on to quote and miſunderſtand the following paſſage from *the Reflections:* "The rights of men in "government are their advantages; and "theſe are often in balances between differ-"ences of good; and in compromiſes ſome-"times between good and evil, and ſometimes "between evil and evil. Political reaſon is a "computing principle; adding—ſubſtracting "—multiplying—and dividing, morally, and "not metaphyſically or mathematically true "moral demonſtrations."

This clear paſſage, which I ſhould have thought it an inſult to the underſtanding of my readers to attempt to explain, obviouſly means no more than that the beſt government is that which offers the moſt advantages to the community; and that in forming ſuch a government, great wiſdom is neceſſary to compute and balance, and combine the good and evil materials which the legiſlator is obliged to employ. But this plain undeniable common ſenſe is it ſeems to Thomas Paine "learned jargon,"

which however he undertakes to interpret, because he understands jargon; and he takes the meaning of it to be *that government is governed by no principle whatever; that it can make evil good, or good evil, just as it pleases. In short, that government is arbitrary power.* — If this is not jargon, and not "learned" but ignorant jargon, what is it? — When such a writer sets up for a government-maker, he certainly does well to contend that government shall not be *a contrivance of human wisdom.*

He proceeds to exult over the English government as without "origin" or "authority," and triumphantly exclaims—"A thousand years hence those who shall live in "America or France will look back with contemplative pride on the *origin of their governments*, and say—this was the work of our "glorious ancestors." But let those who think it worth while ask him in what the origin of the government of France differs from the origin of the government of England?—If of the monarchical part, how Pharamond or Clovis are better than William of Normandy?—If of the popular part, how the deputies of the *tiers etat* in 1789, protested against by the deputies of the other descriptions of the nation, came by a higher authority to form the French Declaration

of

of Rights than was poſſeſſed by the convention of the nation in 1688, with the aſſent of all orders, to form the Engliſh Declaration of Rights? What will be the ſentiments of the French or Americans a thouſand years hence I don't know; but I know that after a hundred years every Engliſhman deſerving the name does now "look back with contemplative pride" on the reeſtabliſhment and ratification of the conſtitution at the revolution, and pays from his heart the tribute of gratitude to thoſe glorious anceſtors by whom it was aſſerted and maintained. I ſay nothing of America, becauſe I have not yet heard that a federative republic has been propoſed for our imitation.

That a federative republic *founded on commerce*, if it is not at preſent, muſt ſoon become an ariſtocracy like that of Holland, may be eaſily foretold. By the royal and dictatorial ſtrain uſed by Waſhington at the opening of the Congreſs, exactly formed upon the model of correſpondence between the king and the parliament in England, they ſeem to be already in poſſeſſion of a Statdholder.

"*Rights of Man*" profeſſes to be a commentary upon the French *Declaration of Rights*; but many of the extravagant and abſurd doctrines laid down in the commentary, do not reſult

from the text. The *Declaration* is to be taken as *a whole*; determining the deductions, as well as the premiſes; in which the abſtract poſitions are not to be ſeparated from the practical inferences. Though by taking for their ground the abſtract nature and origin of man, of which we can know but little, inſtead of his paſſions and affections, and feelings and neceſſities in ſociety, of which we may know a great deal, the authours of this Declaration may have narrowed and weakened their foundations; yet it muſt be granted, that the practical poſitions are for the moſt part ſound and true. All that is real may be ſafely admitted; all that is theoretical is at beſt doubtful and controvertible. To explain my meaning, I will firſt examine the abſtract notions, and then the practical inſtitutions of this celebrated *Declaration of Rights:* and in this examination, I think, it will appear, that all the advantages aſſerted, as pretended conſequences deriving from theſe abſtract rights, we have long been in full poſſeſſion of under the Engliſh government.

1. *Men are born, and always continue, free, and equal in reſpect of their rights: civil diſtinctions therefore can be founded only on public utility.*

Theorems, which are to ſerve for fundamental

mental principles, ſhould be undeniably proved, and conſiſt of terms perfectly defined. Inſtead of this, we are here preſented with a propoſition, conſiſting of two parts, but diſtantly connected with each other: the firſt ſo general as to be almoſt unintelligible, falſe if taken in fact, and problematical in theory; and the ſecond, narrowed at once to the conſideration of a particular ſubordinate regulation, which happened at that moment to ſtand in the way of the pretenſions of the deputies of the *tiers etat* to aſſume the whole powers of government.

Before the truth of the firſt part can be admitted or denied, it would be neceſſary to affix ſome preciſe idea to the terms of which it is compoſed. When it is ſtated, as a *maximum*, that "men are born, and always continue, "*free*," we ſhould at leaſt have been informed what is intended by the word *free*. "There "is no term," ſays Monteſquieu, "which has "received more various ſignifications, or has "ſtruck men's minds in ſo many different "manners, as the word *liberty*.*"

Politi-

* This is the reſt of the paſſage:

"Some have taken it for the facility of depoſing the per-"ſons to whom they had given a tyrannical power; others, "for the facility of electing thoſe whom they are to obey; "others,

Political liberty is indeed afterwards defined in this Declaration, *to conſiſt of* "*the power of doing* "*whatever does not injure another as limited by* "*the law*," But this ſort of liberty, growing out of the eſtabliſhed law, and beſpeaking therefore the pre-exiſtence of legal government, cannot be the ſame with the natural and original freedom of man, here declared to be one of his

" others, for the right to be armed, and the power of exer-
" ciſing violence; ſome, for the privilege of being governed
" by a perſon of their own nation, or by their own laws. A
" certain people, for a long time, took liberty, for the cuſtom
" of wearing a long beard. Some have attached this name
" to one form of government, and have excluded from it all
" others. Thoſe who have a taſte for republican govern-
" ment, have placed it in that government; thoſe who have
" enjoyed a monarchial government, have given it to a mo-
" narchy. In ſhort, each have beſtowed the appellation of
" *liberty* on the government moſt conformable to their cuſ-
" toms, and their inclinations; and as in a republic men
" have not always before their eyes, and in ſo preſſing a man-
" ner, the inſtruments of the evils of which they complain,
" as the laws appear to ſpeak more, and the executors of the
" law appear to ſpeak leſs; it is common to place it in re-
" publics, and to exclude it from monarchies. And as in
" democracies the people appear to do pretty near what they
" will, liberty has been conſidered as belonging peculiarly
" to that ſort of government, becauſe the *power* of the people
" has been confounded with the *liberty* of the people."

E. d. L. l. xi. *c.* i.

" *ſacred*

"*facred unalienable impreſcriptible rights* *," previous to the eſtabliſhment of all government. "*The principle which is to direct the* "*claims of the citizen*," muſt be a different thing from the reſult of the laws formed in conſequence of theſe claims. When *liberty* is declared in one place, to be "*a natural impre-*" *ſcriptible right of man*;" and in another, to be "*a power limited by law*;" two different ſorts of liberty muſt be meaned; and the diſtinction not being marked, there is a confuſion of *natural* liberty with *civil* liberty. To make the ſame thing the origin and principle of law, and the reſult and conſequence of the laws, is a vicious circle. So that when it is aſſerted, ſpeaking of Frenchmen or Europeans, that *men are born, and always continue, free, and equal in reſpect of rights*, the liberty ſpoken of is not *natural* liberty, becauſe under every government natural liberty muſt have been already given in exchange for the benefits of ſociety; and it is not *civil* liberty, becauſe civil liberty, depending upon the laws, cannot exiſt before the laws—What liberty then is it?

The *equality* of the rights of man is ſubject to the ſame difficulties. If this equality is aſſerted to be a natural right, *previous to the inſti-*

* See the preamble to *the Declaration.*

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tution of ſociety, the contrary aſſertion is ſtill more probable; for in a pure ſtate of nature, right and power ſeem to be perfectly equivalent terms; producing a ſyſtem of inequality rather than of equality *; *and in ſociety*, (as is immediately afterwards ſtated in this very propoſition) civil diſtinctions muſt be founded, not on natural rights, but on "*public utility*."

The ſecond part of this grand political problem, this corner ſtone of the immenſe edifice of univerſal government, is nothing, either in ſubſtance or authority, but the declaration of a particular body of men, in regard to a partial regulation upon which their own authority happened at that moment to depend. As a general poſition, the term ſhould obviouſly have been civil *inſtitutions*, comprehending every kind of civil eſtabliſhment as well as that of perſonal *diſtinctions*; but then it could not have ſerved the particular turn for which it was fabricated. Before the deputies from the *Tiers Etat* to the States General could pretend to any right to declare their body to be the only repreſentatives of the nation, it was neceſſary to vote away the

* Among the gregarious or domeſticated animals there is no equality—The ſtrongeſt ſtag is maſter of the rut, and the ſtouteſt cock lord of the dunghill.

civil

civil diſtinctions upon which the claims of the other branches of the States were founded. So that we have here a part of an aſſembly, deputed by a part of the nation, founding its authority upon its own declaration, and giving itſelf univerſal dominion by its own vote. It firſt declares that all civil diſtinctions can only be founded on public utility, and then aſſumes to itſelf (the higheſt of all *diſtinctions*) the excluſive right of declaring in what public utility conſiſts; and as might eaſily be foreſeen, reſolving that it conſiſts in placing the whole powers of the ſtate in their own hands—And this declaration, dictated by perſonal intereſt, and directed to a partial purpoſe, is propoſed to us as a univerſal principle "of divine origin;" "*of more value to the world than all the laws* "*and ſtatutes that have yet been promulgated.*"

II. *The end of all political aſſociations, is, the preſervation of the natural and impreſcriptible rights of man, and theſe rights are liberty, property, ſecurity, and reſiſtance of oppreſſion.*

This theorem is as obſcure and indefinite and diſputable as the laſt. It is at leaſt as probable to ſay—*that the end of all political aſſociation is the happineſs and well-being of men in ſociety; and that liberty, property, &c. are to be preſerved as far as they contribute to the general happineſs.*

Beſides the terms *liberty*, *property*, *ſecurity*, are capable of a variety of ſignifications.

Liberty is one of the *means* of happineſs, but not happineſs itſelf. It is only good as it gives the power of enjoying the good which we poſſeſs; where there is nothing to enjoy it is uſeleſs; where it can only be employed in doing evil to ourſelves or others it is pernicious. A man caſt away upon a barren rock would willingly exchange his liberty for confinement in the King's Bench priſon; and to ſhut up an idiot or a madman is an act of humanity. Civil liberty therefore conſiſts as much in the reſtraint as in the exerciſe of natural liberty; and muſt be conſidered as ſecondary to happineſs; and made ſubordinate to all laws and inſtitutions for the good of the whole; leſt by ſacrificing every thing elſe to its preſervation it ſhould become nothing but the permiſſion to be miſerable. "Liberty," ſays Rouſſeau, "muſt al-"ways follow the fate of the laws; it muſt "reign or periſh with them."

How excluſive *property* derives from the natural rights of man, I think it would be more than difficult to ſhew.

Security is alſo here a very vague term. Security from external enemies depends upon the relative ſtrength and courage of the nation; ſecurity upon each other upon good morals and

ſtrong laws powerfully enforced. " It is the " *ſtrength* of the ſtate," ſays Rouſſeau, " which " makes the ſecurity of its members."

And to call *reſiſtance of oppreſſion* one of " the " ends of political aſſociation," ſeems little leſs than nonſenſe. In civil ſociety the natural right of reſiſting particular oppreſſion is tranferred from the individual to the laws; and for the government to preſuppoſe in itſelf an intention to oppreſs the people, and to eſtabliſh a right and power to reſiſt its own decrees, ſeems quite abſurd.

III. *The nation is eſſentially the ſource of all ſociety, nor can any individual or any body of men be entitled to any authority which is not expreſsly derived from it.*

We are ſomewhere told, that Philip the Second's fool ſaid to him, " If all your ſubjects " were to take it into their heads to ſay no every " time you ſay yes, and yes every time you " ſay no, where would be then Philip?" If this ſort of conſent is here alluded, certainly no law or power or ſovereignty can exiſt any where without it; but if an *expreſſed* aſſent is intended, the aſſertion is ſubject to infinite difficulty. Is it aſſerted of what *is*, or of what *ought to be?* What is meaned by the *nation?* Every individual collectively, or a majority of them only? If the former, how is the opinion of each to be collec-

ted so as to form a general opinion? If the latter, how is the majority to be ascertained? Is a majority of one voice, for instance, to give half the nation a power to control the other half? * These are not mere substitutes, but essential to understanding what is here meaned to be established. And this position after all, understand it how you will, amounts to no more than that a *democracy* is the only legitimate form of government; a point that ever has been and ever will be subject to eternal dispute, which assuredly neither the French Abbé nor the American Ex-secretary are commissioned to determine. In the mean time individuals and bodies of men will every where remain intitled to all the authority given to them *by the laws for the public utility*, as long as they receive the obedience, which is the tacit consent of the people, whatever is the form or may have been the beginning or original source of the government.

IV. *Political liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man has no other limit than those which are necessary to secure to every other man the free exercise of these* RIGHTS; *and these limits are determinable only by the law.*

* See what is said very ingeniously on the artificial rights of *a majority* in the *Appeal*, p. 125, &c.

V. *The*

V. *The law ought to prohibit only actions hurtful to society. What is not prohibited by law should not be hindered, nor should any one be compelled to that which the law does not require.*

These two articles taken together are reducible to a short form—*That good government consists in just and equitable laws; and political liberty in the power of doing whatever is not prohibited by the laws.*—Q. E. D.

But the good Abbé, by introducing *natural rights*, and confounding them with *civil liberty*—the principles of government with the operations of the law—has contrived to render these plain truths involved and obscure.

VI. *The law is an expression of the will of the community. All citizens have a right to concur either personally or by their representatives on its formation. It should be the same to all, whether it protects or punishes: and all, being equal in its sight, are equally eligible to all honours, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.*

The definition of the law contained in the beginning of this article is at best vague and incomplete. A complete definition is exclusively applicable to the thing defined, and to nothing else; but every *expression of the will of the community*, is certainly not *a law*: there may be

an expreſſion of the will of the community for war, or for peace; for the removal of a miniſter, or for the reform of any particular abuſe; and though the *expreſſion of the will of the community*, when ſtrong and general, will and ought to be effectual for theſe purpoſes, this *expreſſion of the will of the community* does not conſtitute and cannot be called a *law*. And this definition fails, not only in the want of general *application*, but in the want of general *truth*; for except in a ſimple democracy, the law never is or can be *the expreſſion of the will of the* WHOLE *community*; but the expreſſions of the wills of that part of the community delegated or otherwiſe appointed for the purpoſe of framing laws.

A law may perhaps be defined to be "a ge-"neral, promulgated regulation, for the benefit "of the community; enforced by the powers "of the laws;" and *the law* to be "the ag-"gregate ſenſe of all theſe regulations:" and the aſſent of the people to the laws is proved by their obedience to them.

The ſame confuſion of the right of making laws, with the power of executing them, and with the juſtice of their principle, is continued through this article. Let us endeavour to diſentangle them.

The eſtabliſhed and exiſting law, whatever may have been its origin, is only an *expreſſion*

of

of the will of the whole community, as it is assented to by tacit acquiescence; otherwise it would be necessary for every successive member of the community to express his formal consent to each of them respectively.

When it is said that "all *citizens* have a right "to concur either *personally* or by their *repre-* "*sentatives* in the formation of every law," two modes of legislation, varying most essentially from each other, are proposed as equivalent, and of indifferent choice. According to the principle here laid down, the right of choosing whether he will legislate in his own person or by deputy must always continue personally to reside in each individual citizen. The will of each and every one must therefore be clearly and expressly announced before, in this view, any body of delegates can be considered as a compleat representation of all, and competent to dispose of the general volition. Nay more, these citizens may resume the power of legislating personally whenever they please, or separate themselves into several communities, each legislating in its own manner, if they cannot agree upon any common mode; so that according to this principle no fixed or permanent government can ever be established*; and the word

* Upon the 22d of December, 1791, on the king's rejection

word *citizen* is employed to ſignify a member of the community, before the formation of its conſtitution, or form of government; whereas the ſenſe of the word depends upon its relation to ſome previous eſtabliſhed order of things; and has therefore never been the ſame in any two governments that have exiſted.

That *the law ſhould be the ſame to all*, is ſelf-evident; for a rule that does not bind the whole community is not *a law*, but a partial regulation. The arbitrary decree of a tyrant, is a commandment, and not a law.

That *rewards and puniſhments ought to be equally diſpenſed*, is alſo obvious; becauſe they are diſpenſed by the law. But though *all men are equal in the ſight of the law*, it does not therefore follow, that *all men are equally eligible to all honours, places, and employments*; becauſe theſe, not being amongſt the natural rights retained under the new ſanction of ſociety, no man has any claim upon them in right of his *abilities*, or *virtues*, or *talents*—becauſe they are ſeldom calculated as *rewards*—becauſe they are not conferred by the *laws*, but by the perſons

tion of the decree againſt the non-juring eccleſiaſtics, a member of the National Aſſembly actually moved to propoſe the decree to be ſanctioned by the electors of the eighty-three departments! and the municipality of Mayenne executed the decree, notwithſtanding it did not paſs into a law!

executing

executing the government under the laws; and becauſe, according to the very principles laid down here, *diſtinctions* are exceptions from the natural equality of man, to which no man can claim any right, and which can therefore *be only founded on public utility*; and being created by ſociety for its convenience and advantage only, are to be given in the way moſt likely to contribute to the end for which they were inſtituted, without regard to any other conſideration *.

VII. *No man ſhould be accuſed, arreſted, or held in confinement, except in caſes determined by the law, and according to the form which it has preſcribed*, (copied from our great charter.) *All who promote, ſolicit, or execute, or cauſe to be executed, arbitrary orders ought to be puniſhed, and*

* D'Alembert gives a good reaſon why diſtinctions muſt be given to birth and fortune rather than to talents.

" Les hommes ne pouvant être égaux, il eſt néceſſaire " pour que la différence entre les uns et les autres ſoit aſſurée " & paiſible, qu'elle ſoit appuyée ſur des avantages qui ne " puiſſent être ni diſputés ni niés: or c'eſt ce qu'on trouve " dans la naiſſance & dans la fortune."

Eſſai ſur les Gens de Lettres.

In another place he adds, " Quand l'auteur (Monteſquieu) " parle de l'égalité dans les democracies il n'entend pas une " égalité extrême, abſolue, & par conſéquent chimérique; " il entend cet heureux équilibre qui rend tous les citoyens " également ſoumis aux lois et egalement intéreſſés à les " obſerver." *Analyſe de l'Eſprit des Loix.*

every citizen called upon or apprehended according to the law ought immediately to obey and renders himself culpable by resistance. That is, translated into common language, the laws ought to be obeyed, and those who resist the laws ought to be punished.—Q. E. D.

VIII. *The law ought to impose no other penalties but such as are absolutely and evidently necessary; and no one ought to be punished but in virtue of a law promulgated before the offence and legally applied.*

The first part of this article prescribes a just and humane regulation of penal laws; the second may admit of a doubt *.

IX. *Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensable, all rigour to him, more than is necessary to secure his person, ought to be provided against by law.*

It were well if this article were engraved upon the walls of every legislative assembly room, and every court of criminal judicature in the world.

* " L'usage des peuples les plus libres qui aient jamais été " sur la terre me fait croire qu'il y a des cas ou il faut mettre " pour un moment un voile sur la liberté comme l'on cache " les statues des dieux."

Esp. des Loix. l. xii. *c.* xix. *sur les bills appellés d'atteindre.*

X. *No man ought to be moleſted on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not diſturb the public order eſtabliſhed by law.*

Dictated by reaſon and common ſenſe.

XI. *The unreſtrained communication of thoughts and opinions being one of the moſt precious rights of man, every citizen may ſpeak, write, and publiſh freely, provided he is reſponſible for the abuſe of this liberty in caſes determined by the law.*

Equally reaſonable and true.

XII. *A public force being neceſſary to give ſecurity to the rights of men and of citizens, that force is inſtituted for the benefit of the community, and not for the particular benefit of the perſon with whom it is entruſted,*

A truth.

XIII. *A common contribution being neceſſary for the ſupport of the public force, and for defraying the other expences of government, it ought to be divided equally among the members of the community according to their abilities.*

Another truth.

XIV. *Every citizen has a right, either by himſelf or his repreſentative, to a free voice in determining the neceſſity of public contributions, the appropriation of them, and their amount, mode of aſſeſſment and duration.*

The right of the people, by themſelves or their repreſentatives, in every free government, to propoſe and aſſent to taxes, or in other words to tax themſelves, ſeems to be conſequent upon one of the fundamental principles of all civil ſociety—*ſecurity of property*. Society having originally guaranteed to every man this property, cannot afterwards touch it without his conſent; and taxes being nothing more than a general contribution for the public advantage, the people have a right to judge for themſelves, whether the benefit propoſed be equal to the tax propoſed, and to make the purchaſe or not as they ſee fit. And this is a right of which the people ought to be above all others tenacious; for a nation that ſubmits to be taxed at the will of perſons benefited by the tax, and not paying the tax, hold their liberty * on a very precarious foundation.

XV. *Every community has a right to demand of all its agents an account of their conduct.*

This poſition is too vague and general to convey any practical or preciſe idea. What is meaned by a *community?* the whole nation? or any particular body of men incorporated under the law? Does it mean that the people have a

* Nothing has ever appeared to me more juſt than the cauſe of reſiſtance in America.

right

right to call their repreſentatives to account; or that the legiſlative power poſſeſſes this right over the executive power; or does it mean no more than that all public officers ought to be amenable to the laws for miſconduct?

XVI. *Every community in which a ſeparation of powers and a ſecurity of rights is not provided for wants a conſtitution.*

As every conſtitution conſiſts in *the diſtribution of the different powers*, and in *the laws giving and ſecuring rights*; the general truth of this poſition cannot be denied; but this *ſeparation of powers* ought ſurely to have been farther explained: a popular *declaration of rights* ought to be intelligible to all, and very few I believe will underſtand what is meaned by a *ſeparation of powers*. "All is loſt," ſays Monteſquieu, "if the "ſame man, or the ſame body of the principal "men or nobles, or of the people, exerciſe the "three powers, that of making laws—that of "executing the public reſolutions—and that of "judging the crimes and differences of particu-"lars." Were the framers of this declaration afraid to explain themſelves on this important ſubject?

If a *ſeparation of powers* is ſo eſſential to the *exiſtence of a conſtitution*, why was not the principle of this ſeparation laid down among theſe fundamental

fundamental positions? Are we not led to suspect from this silence, that the National Assembly meaned to come to this separation as late and as little as might be found possible? Would to God the executive and judicial powers daily exercised by the legislative assembly did not give too much force to this suspicion *.

XVII. *The right to property being inviolable and sacred no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.*

This article so far from being evidently true as a general position, or consequent upon what has gone before, has, I think, a suspicious aspect. *If the right to property is inviolable and sacred*, by what sort of *legality* is that public necessity to be ascertained by which its inviolability and sacred character at once ceases; or to whom is the right to be intrusted to suspend or take away rights that are declared inviolable and sacred? I know that in free governments the legislature sometimes obliges individuals to sell some small parts of their property to procure some great public convenience, but I confess

* In December 1791, one Le Tailleus had his house violated, and his person and papers seized by an order from a committee of the National Assembly.

I have

I have always considered the exercise of this power rather justified by the smallness of the injury, than by any principle of justice. The principle laid down in this article is besides evidently in contradiction with that of Article XIV.

I think I have shewn, that in this *Declaration of Rights* the abstract philosophical principles are all at best problematical and obscure; but the danger of their uncertainty is for the most part obviated by the practical application of them—the *real* claims. And there is not one of these real claims which every Englishman will not instantly recognise as his constitutional right *inherited from his fathers, and settled upon his children—that all men should be equally bound by the law—that every man should have the power of doing every thing which the law does not prohibit—that no man should be imprisoned or otherwise molested but as the law prescribes—religious toleration—liberty of the press—that taxes should be equally laid—and laid by the representatives of the people—that the agents or ministers of the government should be amenable to public impeachment—the inviolability of private property*—are all the long-established rights of Englishmen.

The foundations of our constitution are deep and strong: they are laid in education and habit, in manners and religion, in custom and

opinion

opinion; they are farther ſtrengthened by our ſentiments and affection, by reſpect and veneration, by filial piety and parental regard, by patriot pride, and public honour, and national glory. The Britiſh conſtitution, like her native oak, the ſymbol and the inſtrument of her naval pre-eminence, ſtrikes its roots as deep into the earth as it extends its branches towards heaven. The ſtorms of faction or the blaſts of arbitrary power may agitate its head, but cannot diſturb its baſis. After contending with a world in arms, it ſtill flouriſhes in full vigour and beauty; and will remain to give ſhelter to generations yet unborn *.

The foundation of the new government in France is, I fear, neither ſo deeply laid, nor conſtructed of ſuch ſolid and durable materials. By fixing their conſtitution upon diſputable abſtract notions, ſuch as the *natural and original equality or unity of man*, they ſeem not only to have taken ſandy and fluctuating ground, but to have laid their foundations as it were above-ground; open to every injury, and expoſed to every attack. In ſocieties, ſuch as they are, and muſt ever be,

* ——————quæ quantum vertice in auras
Ætherias, tantum radice in Tartara tendit;
Ergo non hiemes illam, non flabra neque imbres
Convellunt; immota manet; multoſque perannos
Multa virûm volvens durando ſecula vincit——————

where commerce and the arts and the conſequent inequalities of fortunes and conditions exiſt, the practice will remain at perpetual variance with theſe principles; which cannot therefore by any mellowneſs of time be brought to mix or aſſimilate with the common feelings and opinions of men. Inſtead of uniting the exiſting forces in one *focus*, they are placed in eternal oppoſition and contention with each other. It is made the permanent intereſt of the powerful to deſtroy; and of the rich to corrupt; and conſequently of the people to remain in a perpetual ſtate of warfare *.

The

* The following melancholy picture of the actual ſtate of this *regenerated* nation was exhibited at the *Jacobin* club on the 18th of December, 1791, by Mr. Rhœderer, one of the principal managers of the Revolution, and a leading orator in the conſtitutive aſſembly——

" We have not peace; and yet we have not began the " war."

" We are at war; for the rebels without are in arms, " are organiſed in legions; for they have declared chiefs; " for theſe chiefs have publiſhed manifeſtoes."

" We are at war; for Frenchmen are vexed and inſulted " in all the neighbouring nations."

" We are at war; for what are our revolted prieſts, what " are our antipatriot clubs, but diſguiſed ſections of the " army at Coblentz.?"

" We are at war; not indeed at open war, and why? " becauſe we are undermined, becauſe we are inſulted, be- " cauſe we are outraged, with the ſame impunity as if we

The only government we read of, which took the natural equality of man for its basis, is the republic of Sparta; and there the equality was not abstract and nominal, but real and effec-

" were already conquered; because to treat us as van-
" quished it is unnecessary to be at the risk or trouble to
" vanquish us."

" What is the peculiar characteristic of this war? Is it
" simply a foreign war? a war of king against king, or even
" of people against people? No; it is a war of man against
" man, of Frenchman against Frenchman, of brother against
" brother, combined with a war of prince against nation.
" It is a civil war combined with a foreign war."

" It is a war of nobility against equality, of privilege
" against the common condition, of all the vices against
" public and private morals, of every sort of tyranny against
" every sort of liberty and security."

" The most dangerous party of our enemies are in the
" very midst of us; they are masked and disguised. The
" patriot may easily distinguish them by certain signs and
" tokens which betray the aristocratist, but the law con-
" founds them; and the constitution of which they are the
" enemies assures to them all the liberties established for ci-
" tizens; the liberty to write, to speak, to go and come; the
" liberty of religious worship; all the liberties which the
" constitution guarantees to all those who engage under it,
" are shared by those who abhor the constitution, and made
" use of by them against it; our enemies find in the consti-
" tution itself their arms against the constitution. The con-
" stitution is the arsenal of the counter-Revolution."

" This, gentlemen, you perceive is an absurd and destruc-
" tive order of things; but as long as what is called peace
" continues, so long must this evil endure in activity"—

When

effectual. Lycurgus saw that the *equality of man* could not consist with inequality of possessions. He therefore vested all property in the community, abolishing exclusive property in individuals; and to prevent all possibility of acquiring personal riches, he forbade the use of silver and gold, and the introduction of commerce and the fine arts. All men received a common education at the public expence; were cloathed alike at the public charge; and served with the same food at public tables; and the importation of philosophers was strictly prohibited.

To keep in view and give constant action to that sentiment which was wholly to convert the man into the citizen, a general public discipline, and a very severe one too, was instituted; and every citizen of man's estate was equally charged with the care of the legislative government, which he was not allowed to delegate the use of to another, but actually executed in his own person; and he was not only eligible to all public offices and employments, but bound

When a mathematician, after working his diagram, finds the produce to be an absurdity, he returns back from whence he set out, certain that there is an errour somewhere. If the Revolution has generated an *absurd and destructive order of things, only to be cured by war*; does not Mr. Rhœderer begin to suspect that there has been want of wisdom in its direction and conduct?

to execute them. Here the principle and the practice were in perfect unison. And what was the immediate and necessary consequence of this extreme and forced equality? The most horrible and abominable of all inequalities among men. These free and equal citizens were not ashamed to have their ordinary wants administered to by SLAVES. The *Helots*, nearly twice as numerous as the citizens, were the most abject of slaves; and the cruel indignity with which they were treated became proverbial over all Greece.

If civil equality could not be established in an order of things where every thing was sacrificed to it, without despoiling another race of people of their humanity; if to prevent the distinctions of high and low it became necessary to institute the distinctions of master and slave; how can the equality of man in society be made the principle of a government, admitting the most essential and operative of all inequalities the inequality of fortunes and possessions? In such a government the principle and the practice must remain a perpetual existing contradiction. Wherever there is a right of exclusive property, where it is allowable to accumulate the established signs of traffic, where commerce and the imitative and ornamental arts are cultivated, men must be divided into rich and poor; the

the original and inexhauſtible ſources from which all other civil diſtinctions ſpontaneouſly and neceſſarily flow.

Rouſſeau has very truly obſerved, that to enrich one man many muſt be impoveriſhed; ſo that the number of the relative poor will always much exceed that of the rich; now if ever the principles laid down in the "Declaration of the Rights of Man and of Citizens," ſhould come to be underſtood in the ſenſe and to the extent given to it in Thomas Paine's pamphlet, that moment will this *natural majority of the nation* be authoriſed to aſſemble in a body, and to addreſs their "national conſtitu-"tive aſſembly," or their "national legiſla-"tive aſſembly," or any other aſſembly of their delegates, in the following language.—"You have told us that *all men are born equal and always continue equal in reſpect of their rights—that the equal rights of man are impreſcriptible and divine.* But when you tell us that our rights are equal, without giving us the benefits and advantages naturally reſulting from equality of rights, you are either ignorant or weak, or cowardly or inſincere. If we have a right to equality give it us; if we have not, do not mock us with vain claims which you cannot or will not realize. This is adding inſult to injuſtice. Upon your own principles what right have any among you

to arrogate to yourſelves an unequal ſhare of the good things of the world? Every time you drive to this aſſembly in a warm eaſy carriage, while the man behind is drenched with the rain or benumbed with the cold, you are guilty of a groſs and palpable violation of the *equal rights of man*; and whenever you ſit down to a luxurious and ſuperabundant table, while a neighbouring family are in want of a decent and ſufficient meal, your conſtitution ſuffers a temporary ſuſpenſion. You have aboliſhed perſonal diſtinctions which were nothing, and have left untouched the real and effectual diſtinctions of poor and rich, from which all the reſt are ultimately derived and ſupported. How dare you under the pretence *of* "*the equal rights of man*" make laws and iſſue decrees to maintain the moſt flagrant and grievous of all inequalities? If men are born equal and derive their equal rights immediately from God, by what ſort of impious right does any man lay claim to an unequal ſhare of the common benefits given by the common father equally to all his children? What right has any man to plant a hedge or build a wall to exclude another from the general gifts of nature? You have acknowledged our equal rights, and have left us with all the wants and diſtreſſes and hardſhips belonging to the worſt de-

gree

gree of inequality. If the goods of the world were before unequally distributed, at least they existed in the country, and a portion of them might be obtained by industry and ingenuity; but instead of equalizing the possession you have only lessened the quantity; you have impoverished the rich without any benefit to the poor; instead of bettering our general condition you have made it worse; instead of feeding us with real beef and porter, you would satisfy our necessities with a mouthful of moonshine. By what sort of consent your pretended delegation was at first established; by what authority we were ever obliged to delegate our right of legislating for ourselves to any man or number of men, instead of exercising it in our own person we will not now enquire. You will not, to be sure, deny the right we have to supersede our delegation and legislate for ourselves whenever we please*; and we claim the instant exercise of it; return to your families and

* I here invite Mr. Paine to solve a question upon which the legality of the present constitution in France fundamentally depends.

After having declared, (Declar. of the Rights of Man, article VI.) "That the law is the expression of the general "will, and that all citizens have a right to concur *personally* "*or by their representatives* in its formation."—What right had

and occupations; we diſmiſs you from our ſervice; we will at this moment legiſlate for ourſelves. If the principle of our new conſtitution is to be productive of any good, it is high time that we ſhould begin to enjoy the fruits of it; if our rights are equal ſo ſhall be our poſſeſſions. We will make an equal, which is the only equitable, diſtribution of all things, and then we may perhaps delegate ſome of you again to ſuperintend the execution of our decree; for little legiſlation will be neceſſary when all things are in common.

Here is the *nation in its original character*, not *delegated but met, to conſtitute for itſelf*; guided by no rule but the *illuminating divine principle of the equal rights of man*; and claiming by juſt reaſon a full and perfect right to all that can be made to reſult from this great and prolific principle. If there is any thing in the world clear, it is that theſe men would argue conſequently, and wiſely too, upon the premiſes laid down in *Rights of Man*. If the principle be true, let its natural and legitimate offspring be acknowledged and ſupported.

had an aſſembly, delegated according to ancient and abuſive forms, to decide, as it does (Conſtitut. title III. art. I.) "That the nation, from whom alone emanates all the powers, "*can only exerciſe them by delegation.*"

The

The republican landed and monied gentry of the north of Ireland, have, it is ſaid, circulated 20,000 *Rights of Man* at twopence a-piece. I recommend to their attention the following ſhort addreſs, which they may, if they pleaſe, diſpenſe at a farthing.

" To all Servants, Labourers, Handicrafts-men,
" and Manufacturers.

" Now or never, my boys!

" You muſt know, my honeſt friends, that " your maſters and landlords have found out " that the king, and the lords, and biſhops, " and parliament men, ought to be all put " down, becauſe, as we are told in the holy " ſcriptures, God has made all men alike; and " this is very true; for is not one man made of " juſt the ſame fleſh and blood as another? Are " not your maſters and landlords as good men " as lords? and are not you as good men as " either of them? To be ſure you are.

" I hope all of you have read a new book, " called *Rights of Man*, or elſe got ſomebody " to read it to you. This book ſhews as clear " as the ſun at noon day, that all men ought to " be equal now, the ſame as God made them at " firſt; and that kings and biſhops, and lords

" and gentlemen, are all downright inventions " of the devil. Now, my boys, God certainly " no more made landlords and maſters than he " did lords and gentlemen; and for my part I " believe the devil had a greater hand in theſe " than in the others, when I think how many " hard landlords and bad maſters there are in " the world. When God had made the world " he gave the fruits of the earth alike to all, " but the land to nobody; and if ſo, is it not a " very hard caſe when any of you has planted " an acre of potatoes with the labour of his " hands and the ſweat of his brow that he dares " not dig one of them to ſave himſelf and his " family from ſtarving? To be ſure it is, and " a very wicked thing too."

" This book alſo ſhews as plain as can be, " that you have no need to mind the laws, be- " cauſe they were made by men who are dead " and gone; and you know very well that the " dead have no buſineſs at all to govern the " living.

" And then it proves that any greater num- " ber of people may make any laws they " pleaſe for the reſt; and you are to be ſure " thirty or forty to one againſt the gentlefolks; " and ſo may make whatever laws you like.

" Now when God has made one man juſt as " good as another, are not you aſhamed of

" yourſelves to be ſervants to your equals? " To ſtand behind a man's back not a bit bet- " ter than yourſelves, while he reſts his lazy " a— in any eaſy chair? If you are not aſhamed " of this I am ſure you ought to be aſhamed of " it, and to put an end to it too.

" And you, day-labourers, are not you " damned fools to work your guts out for poor " pitiful eight-pence or ten-pence a day, hardly " enough for the tobacco and whiſky, all the " while that the farmer (who would ſtarve you " all if he could get a penny by it) makes per- " haps two ſhillings or half a crown clear pro- " fit, and the idle raſcal of a landlord may be " five or ſix more, all out of your work? To " be ſure you are.

" Why now in this linen trade, there's many " a maſter keeps mayhap forty or fifty men at " work at louſy ten-pence a day, while he is " getting as rich as a Jew by your labour; and " ten to one the fellow does not know how to " ſet a loom or handle a ſhuttle ſo well as the " worſt workman amongſt you. Is not this a " great ſhame? To be ſure it is.

" Now, my brave boys, what you have to " do is quite eaſy. You muſt begin by help- " ing your maſters and landlords to pull down " king and lords, and biſhops, and every body " above them; and then you muſt pull them

" down too. For to be ſure if all men are " equal there ought to be no ſuch things as " landlords or maſters in the world: and in the " mean time you are no better than aſſes if you " don't bring them all to an account every Sa- " turday night, and make them divide all the " profits fairly and equally amongſt you all.

" If you ſhould be fools enough to help " your maſters to pull down thoſe above them, " without pulling them down too, let me tell " you you will be a great deal worſe off than " ever, becauſe your maſters will then have all " the power in their own hands, and may uſe " you juſt as they pleaſe; and I believe you " know pretty well how that would be. The " beſt of them would make you do a deal of " work for a little pay; and many of them " would uſe you as bad as the blacks in Ame- " rica, if they durſt."

Whether from timidity or prudence the authour of " Rights of Man " has not carried his principles to their fair extent. He has left untouched a thouſand rights neceſſarily flowing from the impreſcriptible and unalienable equality of man in ſociety. The right to *eat*, for example, is at leaſt as natural and impreſcriptible as the right to legiſlate; it is ſomewhat more neceſſary, and of as ancient and divine original; and when dreſſed out in a philoſophical uni-

form

form makes, in my opinion, just as good a figure. Man is an organized entity whose vitality consists in the action and re-action of solid and fluid parts according to the laws of animal motion, which require to be frequently supplied and renewed by the adscitition of elements taken into the mouth, masticated by the teeth, ingurgitated by the gullet, received into the stomach; and there by trituration, fermentation, and the rest of the chemico-mechanical process of digestion, prepared and assimilated for the purpose of continuing animality; and without which by the natural and imprescriptible laws of animation life must cease; the rights therefore to *eat* is "one of those natural rights which appertain "to man in right of his existence;" "one of "those which he must retain in society, because "the power to execute is as perfect in the indi- "vidual as the right itself. It is also as anci- "ent and of as divine original as that greatest "of all truths the unity or equality of man," and certainly as "advantageous to cultivate"— "And God said, behold I have given you every "herb bearing seed which is upon the face of all "the earth, and every tree on the which there "is the fruit of a tree yielding seed: to you it "shall be for meat."—"Here we are got at the "origin of man and the origin of his rights: "how the world has been governed from that

"day

" day to this is no concern of ours; every civil " right grows out of a natural right, and *cannot* " *invade* thoſe natural rights in which the " power to execute is as perfect as the right it- " ſelf." Hence it follows that the man who appropriates to himſelf a greater quantity of the food given by God equally to all than is neceſſary for his own conſumption, acts in defiance of the natural impreſcriptible equal rights of man; and that he who goes into the kitchen or larder of this invader of his natural rights, and ſeizes upon what he wants, acts in ſtrict conformity to thoſe rights which *ſociety cannot invade*; and as to the laws againſt theft or burglary, they are not only in contradiction with the unalienable equal rights of man " but were " made by men who having ceaſed to be, have " no longer any authority in directing how the " government of the world ſhall be organized " or adminiſtered.—It is the living and not the " dead that are to be accommodated; the rights " of the living cannot be willed away by the " manuſcript authority of the dead."

That the French " Declaration of Rights" is conceived in terms too abſtract or general, the plauſible ſyſtem of impracticable inconſiſtency erected upon it by this *brouillon*, is an undeniable proof. The Abbé Syeyes, who drew it up, ſaw the immediate neceſſity to ſtimulate the people

people into action by some strong application; and ventured to delude them with terms which from their generality and indefinite nature seem to promise every thing, and bind precisely to nothing. But perhaps he did not foresee that in avoiding one evil another was incurred. The real patriots had then to contend with an inveterate despotism; and they have left their successors in the government to struggle with an armed and disappointed populace; let loose at once from all the ties of opinion, of religion, of morals and manners, and ancient customs. If indeed it could be proved that they had no other alternative, I am ready to allow that this situation of things, bad as it is for the present, is still greatly preferable to the other. An opportunity to overturn such a despotism as that of France was to be made use of at any risk; for anarchy is but a temporary evil, a storm which must sooner or later subside into the calm of order; but despotism is an established vice, a disease in the very marrow and vitals, prostrating the natural strength, and poisoning every source of health and vigour. From any danger of a relapse into this abject state, I hope and believe the French nation is free; but when she will be put into the possession and full enjoyment of the noble property she has obtained, or whether

it

it will ever be made the moſt of, is not eaſy to foreſee.

To legiſlate according to the principles of ſome pre-conceived theory, without any regard to circumſtances or conſideration of practice, is no difficult taſk. But ſuch an abſtract government will be like an abſtract coat, or an abſtract pair of ſhoes, ſuiting no ſhape, and fitted to no feet. It is of another ſort of difficulty to inſtitute a government ſuited to the climate and ſoil and ſituation of a country; to its population and extent; its faculties and diſpoſitions and inclinations; to the religion and manners and genius of the people. To make uſe of things as they actually are, with the prophetic view to render them all that they are capable of becoming. A thouſand legiſlators in the former mode have eaſily been found; while legiſlators of the latter deſcription have but rarely appeared at long intervals in the ſucceſſive ages of the world *.

The

* "Any man," ſays Rouſſeau, "may engrave tables of "ſtone, or corrupt an oracle, or pretend a ſecret commerce "with ſome divinity, or teach a bird to fly to his ear, or in-"vent ſome other groſs deception to impoſe upon the peo-"ple; but he who can do no more than this though he may "perhaps aſſemble a mob, will never found an empire. The "Jewiſh law ſubſiſting to this day, the law of Mahomet by "which half the world is ſtill governed after a thouſand "years

In the *regeneration* of France, ardently as I wish for the success of her glorious enterprise, I confess I can perceive no marks of those creative powers destined to give a lasting force and distinguished character to their institution: to invent abstract maxims is as easy as to engrave tables of stone; but the manners and habits and customs and characteristic disposition of the nation, the only permanent ground for fixt opinion upon which all government must ultimately rest, seems never to have been brought into contemplation. The same philosopher I have just quoted, says, "Every change in the "customs of a nation, however advantageous in "other respects, is always prejudicial to morals. "Customs are the morals of the people; "when they cease to respect their ancient cus-"toms, there remains no restraint upon their "passions, except the laws which may restrain "vicious actions, but cannot reform vicious "men. A people who have any morals, and "consequently respect the laws, cannot be too

"years announce the great men by whom they were dic-"tated. While the pride of philosophy, and the blind "spirit of party considers these legislators as mere fortunate "impostors, the true politician admires in their institu-"tions, the powerful influence of the genius that pre-"sides over durable establishments."

" much upon their guard againſt the ſpecious " and dogmatical maxims of philoſophers, which " by leading him to deſpiſe the laws and cuſ- " toms of his country, lead to general and ine- " vitable corruption of manners."——" The " moſt important of all laws, that which is " written neither on marble nor on braſs, but " on the hearts of the people, which forms the " true CONSTITUTION of a ſtate, which ac- " quires every day new force, which, when the " other laws become ineffectual or obſolete, re- " ſtores them or ſupplies their place, which " preſerves in a nation the ſpirit of its conſtitu- " tion, and inſenſibly ſubſtitutes the force of " habit in the place of authority, this power- " ful and ſolid law is the manners, the cuſ- " toms, and above all the opinions of the " people."

The real patriots in France, and numerous I believe they are, ſeem to be animated with as pure a zeal as has at any time warmed the human breaſt. But let them remember that with the beſt intentions, their honeſt ardour lays them conſtantly open to be practiſed upon by artful hypocrites or hot-brained enthuſiaſts. Let them above all beware of thoſe who flatter their darling paſſion with too general or extravagant panegyric. Were it my place to offer them

them advice, I ſhould earneſtly recommend to their particular attention at this moment, the following ſage obſervations from their own immortal Monteſquiou.

" The democratical principle is corrupted, " not only when the ſpirit of equality is loſt, " but when a ſpirit of extreme equality is in- " troduced, and every man will be equal with " theſe he has choſen to command him. It is " then that the people not being able to endure " the power they have confided, will do every " thing themſelves, deliberate for the ſenate, " execute for the magiſtrates, and deprive all " the judges. In this ſtate of things there is " no more any virtue in the republic. The " people will perform the functions of the ma- " giſtrates, who are no longer reſpected. The " deliberations of the ſenate have no longer any " weight; no more regard is therefore ſhewn " to the ſenator, nor conſequently to elders. " Where there is no reſpect for age there will " be none for fathers; huſbands will merit no " deference, and maſters no ſubmiſſion. A " general licentiouſneſs will prevail; the re- " ſtraint of commanding will fatigue like that " that of obedience. Women, children, ſer- " vants will be under no ſubordination. There

 " will

" will be neither morals nor love of order, nor " in fine any virtue.

" There is in the *Banquet of Zenophon* a " very natural and ſimple picture of a republic " where equality has been carried to exceſs. " Each gueſt gives in his turn the reaſon why " he is ſatisfied with himſelf. " I am ſatisfied " with myſelf," ſays Chamides, " on account " of my poverty. When I was rich, I was " obliged to pay court to the evil-ſpeakers, " well knowing that they might hurt me more " than I could hurt them. The republic was " always demanding from me ſome new ſum ; " I could not abſent myſelf. Since I am poor, " I have acquired authority ; nobody threatens " me, and I threaten others : I may go or ſtay. " Already the rich riſe from their ſeats to give " place to me. I am a king ; I was a ſlave. I " paid a tribute to the republic ; now it keeps " me. I no longer fear to loſe ; I hope to " gain."

" Democracy has then two exceſſes to be " avoided ; the ſpirit of inequality which leads " to ariſtocracy or to the government of one, " and the ſpirit of extreme equality which " leads to the deſpotiſm of one, as the deſpotiſm " of one finiſhes by conqueſt.

" As

" As far distant as it is from heaven to earth, " so far is the true spirit of equality from the " spirit of extreme equality. The former does " not consist in establishing that all shall com- " mand and none be commanded, but in the " obedience and command of equals. It does " not seek to have no masters, but to have " equals for masters.

" In the state of nature men are born in " equality, but they cannot remain in it. So- " ciety deprives them of it, and they can be- " come equal over again only by the laws.

" Such is the difference between a regulated " democracy and one that is not, that in the " first men are equal only as citizens; and in " the latter they are also equal as magistrates, " as senators, as judges, as fathers, as husbands, " as masters.

" THE NATURAL PLACE OF VIRTUE IS " BY THE SIDE OF LIBERTY, BUT SHE WILL " NO MORE BE FOUND WITH EXTREME LI- " BERTY THAN WITH SERVITUDE."*

God forbid that this strong picture, " *ce* " *peinture bien naive*," should ever become the portrait of the Revolution in 1790; but when we see an armed populace dictating to the municipalities, and the municipalities to the le-

* Esp. de Loix. L. viii. Chap. ii, iii.

giſlature; clubs aſſuming a control over the aſſembly of repreſentatives, and the executive power without force or authority; there is ſurely but too much reaſon to be alarmed for the event.

I have lately had an opportunity of looking in the faces, and liſtening to the diſcourſes of the people of France; and under the exultation of ſucceſs, ſtrong marks of diſappointment and diſcontent may be plainly diſcerned. Thoſe who conducted them in the revolution ventured upon the dangerous expedient of raiſing expectations impoſſible to be fulfilled. At the ſame time that they reſted the force of the government upon public opinion only, they excited that opinion by means that muſt preſently fail; by promiſes they are unable to perform. They have placed their only treaſure in a fund which muſt neceſſarily ſink; and as it is the nature of the people every where, and particular of the people in queſtion, to love extremes, the leaſt abaſement may lead to bankruptcy. The opinion of the people is a neceſſary ſupport to all government, but a bad excluſive foundation of government becauſe it is for ever liable to be miſtaken or miſled; ſo that ſuch a government can have no permanency, conſequently no force: and a weak government

vernment must always be among the worst of governments let its form or denomination be what it will. Where the laws cannot be enforced, instead of protection they will only furnish additional means of oppression; they will be executed by the strong against the weak, whether by an armed populace against the higher orders, or by the higher orders against a depressed people, or by subdivisions or persons against other subdivisions or other persons, and the state will suffer the miseries of servitude without the advantages of subordination.

In all political associations, where the right to *exclusive property* is admitted as a fundamental principle, the contradictory principle of the *equality of man* cannot be admitted at the same time; and as the necessary consequences of a principle must be admitted with the principle, inequality of conditions, necessarily resulting from inequality of property, must also be admitted. Governments admitting the inequality of possessions may be divided into two sorts. In one, the owner of more land than he can occupy himself employs others to cultivate it for his benefit, upon condition of allowing them a certain portion of the produce, adequate to the value of their labour estimated by

by the means of their ſubſiſtence; here the inequality between the perſon who gives and the perſon who receives is in a great meaſure balanced by the mutual need they have of each other: as long as this reciprocity of intereſt is maintained the inequality is but little felt: the choice and the acceptance are both voluntary, and no immediate perſonal dependence is eſtabliſhed; and if the ſhare the labourer or manufacturer is admitted to is equal to his neceſſities, I believe in this ſtate of things the happineſs which depends upon ſociety is as equally diſtributed as the nature of ſociety admits of: for equality of *happineſs*, the only equality worth contending for, does not conſiſt in equality of conditions, becauſe happineſs does not proceed from conditions; and when we conſider that all animals ſeem to have been deſtined by nature to obtain their food by labour*, and that the ordinances of nature are never tranſgreſſed with impunity, we ſhall be apt to think that there is much leſs difference in the ſum of happineſs between theſe who labour and thoſe who reſt than is commonly ſuppoſed.

In governments where the inequalities of

* ——Pater ipſe colendi
Haud facilem eſſe viam voluit.

condi-

conditions proceed by insensible gradations, and are united to each other by reciprocal benefits; where the moral dependencies are mutual, and consequently personal dependence is null; where the spirit of inequality of possessions is corrected by the spirit of equality in the law; and where a great majority of the whole have a real share in the benefits of the world, men are immense gainers by society, which by increasing their numbers and multiplying their means adds infinitely to the common existing sum of happiness.

There is another order or rather *disorder* of things, where instead of equal law, men are governed by the arbitrary wills of men; and the sacred name of law is impiously prostituted to partial and oppressive declarations of power; where one man commands the services of another without admitting him to any share in the benefit he is employed to produce. Every government which supports this extreme inequality is a monstrous evil; and where this abominable principle is carried so far that *the many* are devoured by *the few*, a society so constituted is the greatest curse with which humanity can be visited. To such a nation, debased below the power of resistance, a plague or an earthquake is a desirable catastrophe.

People of England! You are of all nations the happieſt while you know your own happineſs; you enjoy a greater ſhare and a more equal proportion of the comforts and conveniencies of life than perhaps any people here ever done before. Your property is ſecure and your perſons free. You owe ſubmiſſion to the law, but ſubjection to no man. You may freely ſpeak and freely act all that a wiſe man can wiſh to ſay, or a good man to do. You are bound by laws equal and mild, and honeſtly adminiſtered. Your government is all powerful under the law, and without force againſt the law. The voice of the nation alone when diſtinctly heard is always of ſufficient energy to repeal every abuſe, and to conſtrain every neceſſary reform. You have reputation and plenty and peace! Hail happy land! fertile in the gifts of nature; fertile in men worthy to enjoy them!

Salve, magna parens frugûm, Saturnia tellus,
Magna virûm—

So long as you remain true to yourſelves, neither fraud nor force ſhall prevail againſt you. When you fall it muſt be by your own hand. If you ſuffer the corruption of venality to poiſon every ſource of public virtue, remember that the ſeller is ſtill more deſpicable than the purchaſer in this infamous traffic. If you allow

the manly lines with which a hardy climate and a free conſtitution have marked your national character, to be defaced and obliterated by I know not what apiſh effeminacy of manners under the name of faſhion, know that laws without morals are empty forms; that liberty diſdains to inhabit a nation enervated with petty luxuries and frivolous purſuits. If you learn from the vain babble of ſophiſts to deſpiſe the plain virtues of your fathers, you will be deſpiſed in your turn by your ſons, a ſtill more profligate generation. When a greedy ambitious miniſter gulls you into fooliſh confidence, or an impudent juggler impoſes upon your ſimple credulity, they do no more than follow their trade; but you, when you come to eat the bitter fruit of your folly, will excite ſcorn but no commiſeration; for though ambition may have ſomething of eclat and hypocriſy ſomething of ingenuity, the ſtupid imbecillity of a willing dupe has nothing to oppoſe to the contempt and ridicule of mankind.

But to return to Mr. Paine, after all his vapouring about *impreſcriptible principles* and *antecedent conſtitutions*; he ſeems to be himſelf aware that he has only removed the difficulty one ſtep farther. To the elephant upon which the world is ſupported he has

added a tortiſe, but if you aſk upon what the tortiſe ſtands, he ſhifts his ground; one while we are referred to "the nation in its original character, conſtituting for the nation on its organized character;" another while to "father Adam" and "the divine unity of man in the creation;" and at laſt he is conſtrained to allow that government muſt after all depend upon *circumſtances* and *conveniencies* and *opinions!*

The CIRCUMSTANCES *of the world* (he ſays) *are continually changing, and the* OPINIONS *of men change alſo,* and *as government is for the living and for the dead, it is the living only that can have any right to it. That which may be thought right or* CONVENIENT *in one age may be found wrong or inconvenient in another*—and then what becomes of his eternal laws and eternal conſtitutions; for from hence it follows that no man can have a right to lay down impreſcriptible unalienable rules, to direct the "future claims of citizens," or to reſtrain the free exerciſe of future opinions.

By what ſecret power of alchimy the deputies of the *Tiers Etat* to the ſtates general in France tranſmuted themſelves into the general repreſentatives of man, of power to conſtitute for all nations and all generations, Mr. Paine has not indeed attempted to ſhew. He has confined himſelf

ſelf to a ſimple relation of the fact.—" After va-
" rious altercations the *Tiers Etat*, or commons
" as they were then called, DECLARED THEM-
" SELVES, on a motion made for that purpoſe
" by the Abbé Sieyes, the repreſentatives of
" the nation;" becauſe " they began to con-
" ſider ariſtocracy as a kind of fungus growing
" out of the corruption of ſociety, on which
" point they were not only reſolute but ſome-
" what diſdainful—and this proceeding extin-
" guiſhed the ſtile of *Etats Generaux* or States
" General, and erected it into the ſtile of *l'Aſſem-*
" *ble National*, or National Aſſembly." Here
is an act of aſſumption " of far other mag-
" nitude and conſequence than that by which
" the Engliſh parliament empowered itſelf to
" ſit for ſeven years." The one is an imme-
diate aſſumption of power; the other only
an aſſumption of leſs limited duration; one
was aſſumed in direct oppoſition to the co-
exiſtent powers of the ſtate, and the other with
their full conſent.

It ſtill then remains for Mr. Paine to explain
according to the principles he has laid down,
how the deputies from the *Tiers Etat* could be
converted by their own vote into " the per-
" ſonal ſocial compact"—" the delegates of
" the nation in its original character;"—or

how

how they could give themſelves that "right "of reform," which he ſays, "is in the na- "tion in its original character only;" till he does this, we, who are unregenerate and unilluminate, will continue to ſpeak of the French revolution in common intelligible terms; as an event brought about by the ordinary motives of alteration, expectation of advantage and common conſent, and by ſuch particular means as the circumſtances and diſpoſitions required; excellent in its general object and tendency, doubtful in its progreſs and event.

When our author comes to draw his compariſon between the Engliſh and French conſtitutions, he confines himſelf to the following articles. *The mode of elections—the game laws**, *—members of the legiſlature holding offices of government—the right of declaring war—the deſtruction of titles—and of the ariſtocracy—the reformation of the church eſtabliſhment* †, *and univer-*

* Amongſt the defects of *the conſtitution*, one ſhould not have expected to find the game laws which are mere partial regulations. By what principle of juſtice the owner of the land when he lets it to another, may not ſtipulate for any reſerve he pleaſes, is not eaſy to underſtand. That the penalties under theſe laws are abominably too ſevere ~~is~~ is certain; and ~~that~~ that they ought to be mitigated or repealed; but the principle of them ſeems juſt and fair.

† In my *Letter to Mr. Burke*, I have endeavoured to ſhew

universal toleration. But the object of this answer is to shew, that whatever of these points (some of which are legislative, some ministerial, and but a few constitutional) are not already in our possession, and are worth contending for, may be attained by legal constitutional means, without running to the perilous experiment of radical innovation. The superiority of the English over the French constitution in the two master points; I mean the giving a limited and useful direction to the necessarily existing aristocratical force; and the placing in the crown a sufficient, effective, independent power to maintain the balance upon which the existence of the constitution depends; I have already endeavoured to prove; but before I proceed to the consideration of the rest of these

shew, that the extreme inequality of the provision made for the clergy tends to degrade the clerical character; that the ecclesiastical jurisdiction is a heavy grievance, uncompensated by any advantage; the test act an unjust and impolitic restraint; and tythes an unequal unproductive oppressive tax upon industry; that these are "the dregs of time †" upon which the ecclesiastical state has too long continued. But though I maintain against Mr. Mr. Burke, that these are strong objects of reform, I will also maintain against Mr. Paine, that being attainable by constitutional modes of reform; they are no causes for destruction.

† Lord Bacon.

articles,

articles, I have ſomething to ſay upon that objection to diſtinctions in ſociety, which he places at the head of his argument, drawn from the deſcent of land according to the common law of England.

" The nature and character of ariſtocracy," he ſays, " ſhews itſelf to us in this law. It " is a law againſt every law of nature, and na- " ture herſelf calls for its deſtruction. Eſta- " bliſh family juſtice and ariſtocracy falls. By " the ariſtocratical law of primogeniture *ſkip*, " in a family of ſix children five are expoſed. " Ariſtocracy has never more than one child. " The reſt are thrown to the canibal for his " prey, and the natural parent prepares the " unnatural repaſt—All the children which " the ariſtocracy diſowns, which are all, ex- " cept the eldeſt, are in general caſt like or- " phans on a pariſh—With what kind of pa- " rental affection can the father or mother " contemplate their younger offspring? by " marriage they are their heirs, but by ariſto- " cracy they are baſtards and orphans."——

I have quoted this paſſage at ſome length as an extraordinary example of bold and diſhoneſt miſrepreſentation. Would not any man, without previous information, infer from it, that by the laws of England parents are *obliged* to leave the whole of their property to their

their eldeſt and nothing to the reſt? Will not a foreigner who reads *Droits des Hommes* be ſurprized to learn that notwithſtanding all that is there ſo impudently aſſerted, in England every man is perfectly free to bequeath or ſettle his property no all his children, in any diviſion or proportion he thinks proper, or to make any other diſpoſition of it whatever? and that it actually is the general practice to make an ample proportionate proviſion for them all? A man who can thus deſcend to impoſe upon the ignorant and vulgar, for the ſake of calumniating a deſcription of perſons, whom he hates becauſe he envies, is ſurely unworthy of all credit and regard.

Excluſive poſſeſſion of property being no natural right, but an artificial right, founded on the laws of ſociety merely; provided it is ſecured to the rightful claimant, there is nothing over which ſociety has a more undoubted and original deciſion, than over the rights upon which the laws of poſſeſſion ſhall be eſtabliſhed. In Sparta, the ſociety, deſirous of maintaining a perfect democratic equality, veſted all property in the republic; and under the feudal ſyſtem, the grand fiefs were unalienable. Theſe were the two extremes; but being analagous to the inſtitutions which were

intended to be ſupported, admitting the principle, they were wiſe regulations. In the Engliſh government, where the beſt parts of every principle of government are ſo happily blended together to compoſe a whole, ſomething of the ſpirit of each has been preſerved in the regulation of property. To give ſome ſupport to the ariſtocratical principle, on the admiſſion of which to its due weight in the balance we think the ſecurity of our conſtitution depends, in caſes where no previous diſpoſition has been made, the law gives the land to the heir male, and divides the perſonal property, which muſt generally bear ſome conſiderable proportion to it, among the heirs general *; but the excluſive rigor of the Gothic inſtitution has been wholly ſoftened or done away by allowing parents or poſſeſſors the full power to alienate or divide their lordſhips or eſtates as they pleaſe; and perhaps a better order of ſociety has never exiſted any where than on the eſtate of an Engliſh gentleman, living in the midſt of his tenants or yeomanry, uſing the income of his eſtate for its improvement, intereſted to promote the benefit of all for his advantage as well as his ſatisfaction, and providing for the hereditary continuance of this partriarchal ſtate by

* How is it in America?

leaving a repreſentative nurtured in the ſame habits in the midſt of a riſing generation. Excluſive property ſeems to benefit the general community by increaſing the general produce, this may be exemplified by obſerving how little productive common lands are in proportion to thoſe which are private property. That government under which ſociety is carried to the greateſt degree of number and perfection, and conſequently the general ſum of general happineſs the moſt increaſed, I ſuſpect is thereby proved to be the beſt, be its form what it may.

To return to the order of Mr. Paine's objections.

The *repreſentation* comes next to be conſidered; and this has always been one of the ſtrongeſt batteries of the democratiſts, againſt the actual conſtitution of England. "The county "of York," ſays Mr. Paine, "which contains "near a million of ſouls, ſends two county "members, ſo does the county of Rutland, "which contains not an hundredth part of that "number." By one of the commoneſt of all errors in moral calculations he miſtakes the means for the end. He forgets that the object in view is to obtain a body of repreſentatives proper and adequate to the purpoſes

for which they are designed, and that if this is obtained it is of no consequence whether Thomas shall have as many square inches or cubic ounces of representation as John. The members of the House of Commons are not the representatives of Rutlandshire or Yorkshire, but the representatives of the nation *, and a thousand freeholders in one are just as likely to send up good men and true as twenty thousand in the other. This objection might perhaps apply to a congress of deputies from separate states, but is here of no weight at all. In theory, a more strong and specious ground of inequality than this might I think have been taken. The county members are supposed to be sent up by the landed interest, and the personal and commercial interest to be represented by the citizens and burgesses; and this is not a speculative, but a real division; for though Rutlandshire and Yorkshire can have no separate interests, the landed and monied interests may frequently come in competition with each other. The disproportion in number be-

* "The representatives named by the department," (says, the French Constitution, Table iii. Chap. i. Sect. ii. Art. vii.) "shall not be the representatives of a particular department, but of the nation entire, nor may they receive any mandate."

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tween the repreſentatives of the landed and monied property, of two to one, might therefore appear an eſſential inequality: but the practice has ſhewn it to be otherwiſe; and no ſubject of complaint has been found in the predominancy of the monied intereſt in parliament; nay, perhaps the ſuperiority in numbers of the citizens and burgeſſes over the knights, may have fortunately operated to prevent the depreſſion of the trading intereſt, by the weight of landed property; for the prejudices of what were called the country gentlemen, before the advantages of commerce to the value of land were ſo fully and ſo experimentally underſtood as they are at preſent, have often ran high upon this point; and when we conſider, that the great eſtates are ſtrongly repreſented in the Houſe of Lords, we ſhall be perhaps led to think, that this apparent inequality, inſtead of being a defect, may have operated to enſure a balance eſſential to the progreſs of the nation towards its preſent elevation. "But," continues Thomas, "the conſtitution "of France ſays, that every man who pays a tax "of ſixty ſous (2s. 6d. Engliſh), is an elector." What will be placed againſt this? Till we admit the excellency of this principle of repreſentation, I do not ſee that it is neceſſary to place any thing againſt it. If it is intended by this ſyſtem, that

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all taxable property ſhall be repreſented, and that a vote for it ſhall be eſtimated at ſixty ſous; every man ought to have as many votes as he pays half-crowns into the treaſury; as was in a degree inſtituted by the claſſes and centuries of Rome *.

The French conſtitution attributes 295 repreſentations to the land, 249 to population, and 249 to the contribution of taxes: but how the ſeparation can be made, is not, I think, eaſy to comprehend: for when the landed and monied intereſts are repreſented, the third diviſion ſeems to merge in the other two. Another of Thomas's objections, is to the *origin* of our repreſentation: but this is an objection merely hiſtorical; for we have only to oppoſe to this learned writer, other writers of equal authority, and the force of the objection muſt be taken

* When the people voted by *aſſeſſment*, the firſt claſs, in which were included the patricians, ſenators, &c. contained 98 centuries; and the ſixth or laſt claſs (by far the moſt numerous) conſiſting of the lower orders, contained only one century; and when 97 centuries, out of 193 of which they conſiſted, had voted one way, the majority was declared; ſo that every thing was commonly decided by the higher orders before the lower and more numereous claſſes were called upon to vote at all. This was wholly ariſtocratical, as deliberation by aſſeſſment muſt always be if the proportion is preſerved.

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away, or at leaſt ſuſpended. According to him, our ſyſtem of repreſentation owes its origin to William the Conqueror. Seldon, Cambden, Rapin, Hume, trace it to our Anglo-Saxon anceſtors, the *Wittena Gemot* the *magnum concilium* or *commune concilium*, and Monteſquiou ſees its origin at a ſtill greater diſtance, in the government of the ancient Germans, as deſcribed by Tacitus. But Thomas's object was merely to make it odious; and for this purpoſe, he very ariſtocratically condeſcends to reproach it with the ſuppoſed obloquy of its birth. In contemplating the ſuperior beauty of the French conſtitution, he is particularly ſtruck with the accuracy of calculation ſo neatly ſummed up, that of the three diviſions of repreſentation, two are balanced to a fraction, and the third differs only in two aliquot parts out of 745 *. Little minds, as Monteſquiou has obſerved on this very occaſion, are apt to be captivated with little proportions of order. But to aſcertain the worth of a principle, or the value of an exiſting inſtitution, men of practical ſenſe will not begin by analyſing their parts, or tracing their origin, but by enquiring into their ef-

* This, I ſuppoſe, is what he calls "reaſoning from "minutiæ to magnitude."

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fects. If they find these good, they will pronounce the causes by which they are produced, to be good also. They will not object to the salutary and delicious juices of the fruit, because it represents no regular mathematical form, or because its sap may have been raised from a dunghill.

Having considered the objections of this writer to the *constitutional* representation, we come to his second head of objection; "That "the town of Old Sarum, which contains not "three houses, sends two members, and the "town of Manchester, which contains upwards "60,000 souls, is not admitted to send any." But this defect, so far from belonging to the constitution, is a mere depredation made upon it by the inevitable accidents of time. The members for Old Sarum, who now represent uninhabited walls, were formerly sent up by a flourishing town; when Manchester, which once sent up members, had become so poor as to desire to be relieved from the burthen. To remove the representation from places which time has annihilated to the towns which have risen up in their places, is not to innovate but to restore. But Thomas, who loves us not, and has now the success of his prophecy superadded to his former hate, would be sorry that the edi-

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fice ſhould be repaired which he propoſes to deſtroy; he objects therefore to a legiſlative remedy, becauſe "a government cannot poſſeſs a right to alter itſelf;" but if it may not pull down the building, it muſt poſſeſs the right of repair againſt time and accident; and the right to preſerve is neither the right to alter nor to deſtroy.

There is one good ariſing from the moſt abuſive of theſe publications, that the more the queſtion is agitated, the more the neceſſity will appear for taking away this reproachful diſorder, with the baſe traffic, the *turpe commercium* it creates, emphatically called after a great authority the rotten part of the conſtitution. This reform may, it ought to be, nay, I think it muſt be ſpeedily obtained. It cannot be brought forward under more fortunate auſpices. It was the laſt legacy of the dying Chatham, and the virgin effort of our preſent miniſter. His honour and piety are both engaged to perſevere in it to effect. And if the ſon's face is not ſtamped with thoſe grand and prominent features, which gave ſuch irreſiſtible command to the countenance of the father, his powers of influence are not leſs efficacious. After ten years, his beſt friends will adviſe him to ſecure ſome one action of eclat againſt the mutability of human affairs.

Though he now ſtands like a Coloſſus, with one foot on the throne and another on the people, the caprice of fortune may have already decreed ſome fatal reverſe. As in common life, perſons who have any property to diſpoſe of, do not wait for the warnings of mortality to make their laſt will, the man whoſe name is deſtined to deſcend to poſterity will labour betimes that it ſhall not go down unaccompanied with ſome honourable addition. In the vigour of his career, he will not forget that the day muſt come when all his glories will be compriſed in the narrow compaſs of an epitaph. *Cuſtoms* and *exciſe*, and *three per cents.* will make but a ſorry figure upon marble. HERE LIES THE MAN WHO RESTORED THE CONSTITUTIONAL REPRESENTATION, would be no inglorious inſcription.

At page 82, there is the following curious note. "When in any country we ſee extraordinary circumſtances taking place, they naturally lead any man who has a talent for obſervation and inveſtigation, to enquire into the cauſes. The manufacturers of Mancheſter, Birmingham, and Sheffield, are the principal manufacturers in England. From whence did this ariſe? A little obſervation will explain the caſe. The principal, and the generality

" nerallity of the inhabitants of thoſe places,
" are not of what is called in England, *the church*
" *eſtabliſhed by law*; and they, or their fathers,
" (for it is within but a few years), withdrew
" from the perſecution of the chartered towns,
" where teſt-laws more particularly operate,
" and eſtabliſhed a ſort of aſylum for themſelves
" in thoſe places. It was the only aſylum that
" then offered, for the reſt of Europe was worſe.
" —But the caſe is now changing. France and
" America bid all comers welcome, and initiate
" them into all the rights of citizenſhip. Po-
" licy and intereſt, therefore, will, but perhaps
" too late, dictate in England, what reaſon and
" juſtice could not. Thoſe manufacturers are
" withdrawing, and are ariſing in other places.
" There is now erecting at Paſſey, three miles
" from Paris, a large cotton-mill, and ſeveral
" are already erected in America. Soon after
" the rejecting the Bill for repealing the teſt-
" law, one of the richeſt manufacturers in Eng-
" land ſaid in my hearing, " England, Sir, is
" not a country for a diſſenter to live in—we
" muſt go to France." Theſe are truths, and
" it is doing juſtice to both parties to tell them.
" It is chiefly the diſſenters who have carried
" Engliſh manufactures to the height they are
" now at, and the ſame men have it in their
" power to carry them away; and though thoſe

" manufactures will afterwards continue to be
" made in thoſe places, the foreign market will
" be loſt. There are frequently appearing in
" the London Gazette, extracts from certain
" acts to prevent machines and perſons, as far
" as they can extend to perſons, from going out
" of the country. It appears from theſe, that
" the ill effects of the teſt-laws and church-
" eſtabliſhment begin to be much ſuſpected;
" but the remedy of force can never ſupply the
" remedy of reaſon. In the progreſs of leſs
" than a century, all the unrepreſented part of
" England, of all denominations, which is at
" leaſt a hundred times the moſt numerous,
" may begin to feel the neceſſity of a conſtitu-
" tion, and then all thoſe matters will come
" regularly before them."

But, 1. It is falſe that theſe towns either were at firſt, or ever have been colonies of diſſenters, driven from the chartered towns.

2. It is not true, that the generality or even majority of their inhabitants are diſſenters, as has been but too fatally ſhewn in the late tumults at Birmingham.

3. Manufacturers have nothing do with the teſt laws any where.

4. There is as large a proportion of diſſenters at Leeds, Norwich, Nottingham, Leiceſter, Derby, &c. as in the unchartered towns, and

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in ſeveral of them the corporation is in the diſſenting intereſt.

5. The erection of "one cotton mill in "France," and "ſeveral in America," brought as a ſole proof that "the manufactories are *withdrawing* from England," is perfectly ludicrous.

6. What was ſaid to Mr. Paine by his rich diſſenter in a moment of diſappointment, proves nothing but the anger of the man. He has probably thought better of it ſince; and if not, we may very ſafely allow all thoſe who think "England not a country to live in," to go where they can find a better.

7. The parliament being (as is ſhewn elſewhere) the repreſentatives of the whole nation, and not of any particular diſtricts, it is abſurd to ſay that any part of it is unrepreſented; and the towns in queſtion are not only generally but particularly repreſented. Mr. Paine might have been eaſily informed for inſtance, that Sir Robert Lawley is the immediate repreſentative of Birmingham.

In the text to which this note belongs, he compares the erection of a ſingle cotton mill in France, and one or two in America, with the Inquiſition in Spain and the revocation of the edict of Nantes in France, as an equal proof of the bad government actually exiſting in England.

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—So much for Thomas's candour and ingenuity, as well as "his talents for obſervation "and inveſtigation."

I have already obſerved that though I think the conſtitution of our government the beſt that has hitherto been deviſed, the beſt cannot be ſecured againſt abuſe and decay. Time has made a breach in the conſtitutional repreſentation: and on the odium of corrupt influence, I am ready to concede to Mr. Paine all that he expoſes in pointed and lively terms. But corrupt influence is not the conſtitution, but a diſeaſe growing out of a vicious infection in its component parts, which could not be removed by any change of ſtructure, ſo long as the ſame infected parts muſt neceſſarily be re-employed in the conformation. If there was no venality, there could be no corruption; and no form of government that ever did or will exiſt, can prevent men, who eſteem money more than liberty, from offering to ſale whatever ſhare of that liberty they have it in their power to diſpoſe of. When venality has once pervaded a nation, the greater ſhare the people have immediately in the government, the more ſimple the poſſeſſion of their liberties is, the greater is the facility with which they may drive their bargain: ſo that if it be true, as I believe, that venality is the inſeparable compa-

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nion of luxury, and luxury the neceſſary attendant upon riches and commerce, it will appear to be an extraordinary proof of the excellent contrivance of our conſtitution, that this rich commercial luxurious nation ſhould have preſerved its liberties rather increaſed than diminiſhed during ſo long a period; for whatever cauſe we may have for apprehenſion for the future, certain it is that we do now enjoy as much civil liberty as any people have ever poſſeſſed; as much perhaps as can conſiſt with the force neceſſary to preſerve ſecurity and order in a ſtate of general corruption of morals. For the power of government muſt be made proportionate to the crimes it has to puniſh or reſtrain. Our buſineſs is not therefore to innovate, but to preſerve and reſtore. Our perſons and properties are ſecure, and we have the rare felicity to live in times, when beyond any example, men may freely communicate the freeſt opinions—rarâ temporum felicitate, ubi ſentire quæ velis, et quæ ſentias dicere licet—Would we change with France, where beſides the neceſſary reſtrictions of the government and the laws, all men are ſubject to the capricious command of mobs and ſelf-formed ſocieties? No man of common ſenſe who has taken a view of the two countries, would admit the idea for a moment. And if

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there is leſs practical liberty in France, their liberty ſtands alſo upon leſs ſecure foundations, becauſe the people are intruſted with the immediate management of what they have never known how to conduct. If ever the popular energy by which the government in France is at preſent maintained comes to ſubſide; if ever the French people ſhould be driven to aſſociate the ideas of their actual and increaſing miſeries with the principles and practices of their new government, they may, and moſt probably will ſell or yield up their rights and liberties to perſons taking ground upon the old conſtitution. Thoſe who admire the facility with which the French revolution was accompliſhed, ſhould recollect, that with the ſame facility a counter revolution may be effected. If it be true that "for a nation to be free, it is ſufficient that ſhe wills it," it is ſtill more true that for a nation, politically conſtituted as France is, to reſign her freedom, it is ſufficient that ſhe wills it; for it is certainly more eaſy to reſign rights than to maintain them. In one day tyranny was overturned; and in one day may liberty, like another Aſtræa take her flight to heaven. The conſtitution of France has provided no ſtrong holds, no outworks againſt the temporary ſeduction, or bribery of

the people. No uſe has been made of that great political as well as mechanical principle, *the oppoſition of contending forces*, ſo happily employed in our admirable conſtitution. In England every individual may indeed ſell his vote, becauſe that is what no form of government can poſſibly prevent; and under every poſſible mode of legiſlation unjuſt or oppreſſive laws may be made; but neither the people for themſelves, nor the branches of which the government conſiſts, can alienate any of their general rights, or the reſpective powers intruſted with each for the general good, without the formal conſent of the three in the firſt inſtance; and an ultimate appeal to the people. Each may diſſipate or miſapply their income; but none can without the conſent of all parties, diſpoſe of any part of the eſtate; the people may proſtitute their voices at an election; parliaments may be bribed or ſeduced to ſupport fooliſh meaſures, or bad men; and the crown may apply its influence for the ſame or other bad purpoſes; but the powers of reſumption and repeal remain unimpaired to be exerciſed under better men and in better times. By the admirable mechaniſm of our conſtitution, not reſting too much upon the honeſty of the governors, or the the energy of the people, it is made the permanent intereſt of every branch to maintain their reſpec-

tive powers, and to prevent each other from paſſing the bounds preſcribed to them. The rights of the people, which are held in truſt by the three branches of the legiſlature, may be ill adminiſtered but they cannot be reſigned; the powers committed to each not only infer duties which they are morally obliged to execute, but ſo long as it remains impoſſible for one of the branches of the legiſlature to elevate itſelf to any dangerous pre-eminency without abridging the powers of the other two; and ſo long as the conſent of all the three is neceſſary to any alteration in the diſpoſition of theſe powers; ſo long muſt it be the immediate intereſt of all to preſerve that balance, which is the beſt ſecurity for the preſervation of the civil rights we enjoy. Thus, however the morals of the nation may have been debaſed, the conſtitution has hitherto received but little injury from a ſyſtem of corruption which has long notoriouſly prevailed. Our liberties fortunately reſt on deeper foundations than the cotemporary wiſdom or virtue of our governors, or even of the nation itſelf. The forms of our conſtitution have effected that perfection of political contrivance, to unite the duties and intereſts of the bodies of which it is compoſed in one common point; as individuals, they may be bribed or ſeduced to ſupport this

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man or that measure; but as bodies, they have neither the power nor can have the inclination to surrender the constitution.

Mr. Paine considers it a very great superiority in the French government, that the ministers are not admitted to a seat in the National Assembly, but the excellency of this privation is I think by no means so clear. To be sure, according to theory, the executive and legislative powers should be separately and distinctly administered; but I think this principle does not reach to the incapacitating, the same individuals from acting in both; and in practice it is difficult to suppose, that any wise system can be attained by the unpremeditated deliberations of such a meeting at the National Assembly. I am rather inclined to think that so long as the measures of the executive government are fairly brought forward to parliamentary discussion, it is advantageous that the ministry should belong to parliament; it tends to give their measures additional weight on one hand, and a more early and immediate responsibility on the other. One thing at least I am sure of, that neither the actual conduct of the government in France, nor the arguments of Mr. Paine will induce any reasonable man to wish for an essential change in the mode of administer-

ing the executive powers in England, were such a change practicable. I am not here speaking of the exclusion of mere placemen and pensioners; a constitutional restriction ever to be wished for, but which would be much better effected by taking away the useless places and pensions themselves.

After attacking all laws and establishments, and consequently all morality, under the pretence of securing liberty of action, our author would destroy all religion to secure liberty of conscience. Disapproving the establishment of one religion, and the toleration of others, he contends there should be no established religion. This man, who founds the most extravagnt political doctrines on the first chapter of Genesis, and the genealogy of Jesus Christ, page 48, 49; declares, page 79, 80, for pure deism. He cites, in example, "the worship of a Jew or a Turk;" and says, "with respect to religion itself, without regard to names, and as directing itself "from the universal family of mankind to the "divine object of all adoration, it is man bringing to his maker the fruits of his heart; and "though these fruits may differ from each other "like the fruits of the earth, the grateful tribute "is accepted." But to consider this sacred subject merely in a political point of view, either

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there is one true religion and all the reſt are falſe, or elſe there is no true religion at all. Now as religion is not preſented at once to the choice of men in full powers of their underſtanding, but impreſſed upon the tender minds of youth in early education, admitting that there is a true religion, it becomes the duty of the government to provide that no other ſhall be inculcated in the public eſtabliſhments of education, or preached to the people in the eſtabliſhed places of public worſhip. The religion thus taught and authorized is the religion of the ſtate: but, conſidering the extreme fallacy of human reaſon, as men may be miſtaken, even where their belief is founded on the ſtrongeſt evidence, though government will not authorize or ſupport, they will tolerate all the reſt, as far as is conſiſtent with the protection they owe to that which they believe alone to be true. Such has been hitherto the proceeding of the beſt and wiſeſt people under the former of theſe two ſuppoſitions, that there is a true religion; and this proceeding does indeed ſeem perfectly conſequent and juſt.

If on the contrary, we are to ſuppoſe for a moment with Thomas Paine, that religion conſiſts in nothing more than "a grateful tribute of "devotion from man to his maker," "for which "God

" God has entered into a contract with man from " the beginning of time;"* and that it is as indifferent to God in what mode this tribute is paid " as it is to a Biſhop, whether he receives " his tythe in a ſheaf of wheat, or a cock of " hay;"† the caſe is entirely changed. If all religions are indifferent in the ſight of God, they are far from being indifferent in their opperation upon the actions of men. When it is therefore once eſtabliſhed that they are indifferent in the ſight of God, they that inſtant become an immediate object of human conſideration. The legiſlator has a right to avail himſelf of this mighty engine for the better government of mankind in aid of morality and the laws. The religion of the ſtate is one of the moſt forceable and efficacious inſtitutions of government. A few ſpeculative men, relying too much upon the fallacy of reaſon, may have become athieſts or materialiſts, but to attempt to root out all religion from among the people is equally wicked and vain. The belief in a future ſtate of exiſtence, where virtue will be finally rewarded, and vice puniſhed, offers encouragement and conſolation to the good, and reſtraint to the bad, far beyond the reach of human laws; and this belief having

* Note, p. 121. † p. 80.

(as I am about to ſhew) its natural cauſes in the human mind, the deſtruction of a rational eſtabliſhed religion, leads men back through licentiouſneſs to groſs ſuperſtition, as the deſtruction of legal government does through anarchy to deſpotiſm.

All religions, except the true religion revealed from heaven, do not, as our author ſays, "begin by perſuaſion, and exhortation, and "example," but have their origin in our ignorance of the laws of nature, and the imperfection of our organs of ſenſation. Religion, in the moſt general ſenſe, may be defined to be *a rule of action founded upon the belief of ſupernatural agency*; and this belief has been inherent in mankind in all ages of the world. Men limit the laws of nature to their own very confined experience; with the ignorant, whatever is extraordinary is ſupernatural; whatever happens out of the common courſe is attributed to the power of ſome inviſible agent, becauſe it is eaſier to ſuppoſe the operation of animal bodily force, with the powers of which we are acquainted, than chemical or other natural powers of which we have had no experience. And as among theſe extraordinary incidents ſome will be beneficial and ſome hurtful to men, they will

will endeavour to conciliate the favour, or deprecate the malice of these powers, by such gifts and supplications as would be most acceptable to themselves. This seems to be the natural history of sacrifice and prayer. Nor is this all; the senses are really deceived as well as the imagination. We learn to judge of shape and magnitude, and the rest of the accidents of figure, by repeatedly comparing the impression made upon the sight with the impression made upon the touch by the same object; whenever the criterion by which our judgment upon these circumstances has been used to be guided is either absent or imperfect, the judgment will be false or imperfect also. If we suppose an object placed near to the eye to be at a distance, the idea of the object will be magnified exactly in proportion to the mistake: a cat may acquire the dimensions of an elephant, and a horse assume a gigantic form. In dense or obscure *media*, as the dusk of the evening or a fog, things will appear in extraordinary and unknown forms; and miraculous *appearances* or *visions* will be added to miraculous *events*. Such seems to have been the origin and foundation of all the fictitious religions of the world. How the priests have in

all ages availed themſelves of theſe natural propenſities of the human mind more or leſs to enſlave mankind it is not here our object to enquire. It is ſufficient to have proved, that as men muſt have a religion, they ought to have the beſt religion poſſible *.

When we are told that our government has its defects and imperfections, we anſwer certainly, for it is the work of man; and were a ſynod of angels to form a conſtitution it would ſtill be imperfect as long as the adminiſtration of it muſt be committed to variable and very imperfect creatures. But if the Engliſh government is not perfect, its comparative excellence is clearly ſhewn by the rank the country holds among the nations, far beyond its extent or natural reſources; for this pre-eminence inconteſtibly proves the exiſtence of all thoſe advantages which government is intended to promote. Commerce and arts and induſtry and riches and population are invariable ſigns of good government; and the nations where theſe flouriſh are the true and only ſchools of ſound legiſlation. If this profound doctor, who deigns to caſt a philoſophic eye over the diſtempers of our ſtate, had taught us to remove the abuſe

* Men do not ſeem leſs prone to ſuperſtition in this enlightened age than formerly. *Swedenbergers*, *Animal-magnetiſers*, *Unitarians*, &c. are the produce of our own days.

without endangering the inſtitution, we ſhould have owed him much obligation; but he "caſts the water of the land," and neither marks the diſeaſe, nor indicates the cure: and as to his violent and experimental ſpecifics and panaceas, we will "throw ſuch phyſic to the "dogs."

Deſperate and deplorable indeed is the ſtate of thoſe countries where reformation muſt be preceded by demolition. An exchange of evils for the preſent, and a doubtful proſpect of future good, may be the only ſad alternative of the tyrannies of Europe; but our mild and equal government preſents us with the free, ſecure, and peaceful enjoyment of actual good, and the ſafe and eaſy means of reforming in due ſeaſon and without violence all the defects and inconveniencies for which no prudent opportunity was given to the wiſe caution of our anceſtors. To theſe objects, and to a jealous and ſuſpicious watchfulneſs of the adminiſtration of government, real patriots will direct the attention and excite the vigilance of the people. All reformation really deſired and firmly demanded by the nation muſt ever aſſuredly be complied with; and it is not to be expected that reformation will be officiouſly offered by thoſe who are benefitted by the continuance of the evil. The voice of the nation is the conſtitutional controul of parliament, and the con-

ſtitutional check of the moſt daring adminiſtration. When fully and clearly pronounced, it never did, it never can fail to operate to full effect. In ſuch a ſtate of things therefore ſilence is acquieſcence, and acquieſcence is tacit approbation. If the people have at any time ſeen with apparent ſatisfaction a parliament diſſolved for reſiſting a miniſter, declaring himſelf the miniſter of the crown, and not the miniſter of the ſtate; and have when appealed to againſt their repreſentatives ſent up men of more pliant tempers, we are to ſuppoſe they ſaw at that time ſome good reaſon for ſupporting the influence of the crown againſt themſelves; the ſceptre againſt their mace. If they have ſhewn no ſigns of improbation when a vaſt and unuſual weight of numbers and conſequence has been ſuddenly thrown into the Houſe of Lords, we muſt conclude that the people of that period apprehended no danger from a great increaſe of power and influence in the ariſtocratical branch of the conſtitution. If the government and patronage of an immenſe unrepreſented territory has been transferred to the diſpoſition and controul of his majeſty's miniſters, without creating any alarm in the nation, we are obliged to believe that no reaſonable jealouſy of the too great influence of the crown then exiſted in the nation. If ever they have chearfully conſented to commute the price

of a commodity, which nobody was obliged to purchaſe, for a very heavy obligatory tax upon one of the moſt general and neceſſary benefits of nature, they muſt to be ſure have conſidered the preſent made by this means to a powerful body of men out of their pockets as a fair compenſation for ſupport to be given to ſome Whig adminiſtration much attached to the popular cauſe. If they have ever ſubmitted without a murmur to the extenſion of the exciſe laws, ſo odious to their anceſtors, and to the introduction of exciſemen into private dwellings; and ſilently aſſented to having the ultimate decition upon numerous and complicated internal duties referred to the opinion of *one judge* inſtead of a *jury*; they muſt certainly, at that moment, have conſidered revenue as of more conſequence than liberty. If they have ever given their countenance to great and expenſive armaments without being informed or caring to enquire into their neceſſity or deſtination, their blind confidence in the miniſter of that day had, no doubt, been juſtified by his approved ſincerity and ſkill; nor would it have been any matter of ſurpriſe if they ſhould have ſeen, without envy or regret, the principal offices of the ſtate, and their great emoluments, accumulated upon the head of ſuch a miniſter, and his family and creatures. And if in any very critical emergency a miniſter has ever

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assumed with the consent and approbation of the nation the whole powers of the constitution, the nation must have felt assured that these exorbitant powers might safely be trusted in the hands of a man without envy or pride or ambition; some "Israelite indeed in whom "there was no guile."

I have heard it cited as an instance of the moderation of the ministry, and the liberty of the times, that this libel upon the constitution has not been brought into the courts, or burned into consequence by the common hangman. For my part I confess myself not so much edified with this prudent reserve. When *ministers* have been attacked, the vengeance of the law has of late been more than once called forth; but in defence of the *constitution* they have not so much as moved a finger: nor was it perhaps to be expected they should. The object of these writers is to prove that England has not a free constitution; a position which it is the immediate interest of a bad minister to maintain, and which the best will not find himself entirely free to controvert. God help the liberties of this or any other nation which are to look up to ministers for their support!

Did it become an obscure and humble man to offer advice to the sublime personages who direct our affairs, I should, with all diffidence, recommend it to them at this juncture to prevent

vent the wiſhes of the nation by bringing forwards in a manly honeſt way theſe conſtitutional reparations and reforms which time has made neceſſary, or for which no opportunity has been given to the prudent caution of our fathers. The final ſucceſs of the French Revolution becomes every day more probable; a new generation is riſing up faſt to its ſupport, unbroken to the ſaddle or the yoke; and if the Engliſh ſhould become jealous of any ſuppoſed ſuperiority in a nation on whoſe political exiſtence they have been ſo long accuſtomed to look down with diſdain, ſomething in this way muſt be done; by moderate conceſſions, granted above all while they can ſtill wear the captivating graces of a free gift, things may always be prevented from running to dangerous extremes. In a criſis, too, like the preſent, where men who have vilified the conſtitution are upon the watch for ſomething to authoriſe their evil report, it might be prudent to reſtrain a little of the adulatory correſpondence, of which the miniſter and not the monarch is in reality the object. A miniſter chaunting forth his own praiſes in a canticle known to be of his own inditing, echoed back by thanking himſelf, for his own exploits, ſurely rather gives a proof of his vanity than his diſcretion. Though a good underſtanding between the different branches of the legiſlature is always to be wiſhed, they have

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alſo ſeparate rights and duties of which they cannot be too tenacious; and their exceſſive complaiſance for each other ought at all times to awaken a prudent jealouſy in thoſe whoſe agents they are. The miniſters who conceive that becauſe we are attached to the monarch as holding and preſerving the balance of the conſtitution, that we are therefore at all diſpoſed to allow him to aſſume the power of controuling the conſtitution, will be taught, that we know how to diſtinguiſh between the conſtitution and the adminiſtration of it. Let them not deceive themſelves; the temporary anarchy produced in France by going too far may ſerve to place the value of our well-poiſed government in a ſtronger light, and make us therefore more unwilling to relinquiſh it; but furniſhes at the ſame time a terrible example of the facility with which arbitrary inſtitutions may be deſtroyed. If as things now ſtand our government is deſtined to undergo any change, it will not be towards an arbitrary government either in form or effect; the ſpirit of the times is ſo far very happily otherwiſe directed. If any miniſter ſhall venture to attempt to force it into that direction, it will recoil upon that miniſter's head with a very dangerous *momentum*. I would alſo recommend it to them to repreſs within more decent bounds the zeal of their mercenary prints: a laboured panegyric upon

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the conſtitution, comes with a ſuſpicious effect, while publications commonly ſuppoſed to be in pay of miniſtry, are allowed uniformly and ſyſtematically to maintain doctrines the moſt adverſe to it; paſſive obedience and blind ſubmiſſion, are fitter for an Aſiatic Viſier than a Britiſh miniſter; baſe and unlimited compliance, ſuch as a free people ſhould diſdain to beſtow, and the agent of a free people be aſhamed to receive. "An implicit faith," ſays an authour, whoſe principles ſeem to be again coming into vogue *, "is given to the meaneſt "artificer in his own craft; how much more "is then due to the (miniſter of the) prince in "the profound ſecrets of government, the "cauſes and ends of the greateſt politie; ac-"tions and motives of ſtate, dazzle the eyes, "and exceed the capacity of all men, ſave "thoſe that are hourly verſed in the manage-"ment of public affairs."

According to this new confidence, or this old confidence to be now revived, the king is to confide in the wiſdom of the miniſter; the parliament is to confide in the wiſdom of the miniſter; the nation is to confide in the wiſdom of the miniſter; and to ſtretch *their* confidence to his honeſty alſo; as if we were to ſuppoſe, that none of theſe parties had any

* Sir Robert Filmer.

wiſdom

wiſdom or virtue of their own. And not only the direction of all meaſures, but of the national principle itſelf, is to be regulated at the diſcretion of one man. Whether abroad this principle is to be warlike or pacific; for conqueſt and extended dominion, or for the cultivation of commerce and colonization; whether friendly or hoſtile to the liberties of Europe; and whether at home the eſſence, or merely the forms of the conſtitution, are to be maintained; are neither to depend on the ſentiments and opinions of the people, nor the wiſdom and virtue of parliament, nor the grave deliberation of the king in council; but upon the mere capricious determination of one man, in the ſecret receſſes of his own mind. If it ſhould ever come to be eſtabliſhed, that the miniſter is to make war or peace, to raiſe armies and fleets, and to lay taxes on his implicit authority in the firſt inſtance, and then to come to parliament merely to ratify his proceeding as a matter of courſe, under what forms the government may be carried on will be of little importance; it will in effect be as deſpotic as the moſt unlimited monarchy in Europe.

The declared intention of Thomas Paine's book being to excite the people to level all diſtinctions; Whigs and Tories, the lovers of monarchy and the friends to the popular ſide are equally obnoxious in his ſight ſo long as they

preſerve any attachment to that *very imperfect thing, a mixed government* *; nay according to a principle of the human mind (by which the preference of hate in religious ſects is commonly reſerved for thoſe whoſe tenets approach the neareſt to each other—The preſent endeavour of the Preſbyterians in Ireland to form a junction with the Papiſts againſt the Lutheran church—The late determination of a right honourable gentleman to forſake his beſt friends and join with his worſt enemies—and a thouſand other equally curious moral and political phenomena might be accounted for and explained) it is probable that Thomas hates a Whig ſtill more than he does a Tory; for certainly of the two the Whigs are the moſt ſtrongly attached to that "mixed conſtitution" which he ſo earneſtly labours to overturn. With a view of decrying the Whig party, topics otherwiſe foreign to his ſubject are invidiouſly brought forward. He touches upon the *coalition* like a perſon who endeavours to give pain by preſſing upon an old ſore; and introduces the conduct of parties on the buſineſs of the regency, not ſo much to ſhew that the Tories were wrong, as that the Whigs were not right; but the parliament in which theſe affairs were tranſacted being dead and gone, they are now become objects of fair hiſtorical diſcuſſion; and

* P. 162.

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though the " nation (as Mr. Paine expreſſes it) " having once committed itſelf, however raſhly, " might, for a time, feel itſelf urged along to " juſtify, by continuance, its firſt proceeding ;" it would be paying but an ill compliment either to the temper or underſtanding of the people to ſuppoſe that, after ten years, they ſhould be ſtill incapable of meeting a review of their conduct with any ſort of impartiality. I confeſs I am one of thoſe who have always conſidered the Whig coalition, in the parliament of 1783, as a meaſure perfectly honourable to that party; and I am very willing to explain the grounds upon which this opinion is founded. In carrying on the official government, two very diſtinct modes of adminiſtration have, at different times, more or leſs prevailed; the one (to borrow again the language of Mr. Paine) ariſing *out* of the parliament, and the other *over* the parliament. The Tories have always contended that all the meaſures of government ought to be at the will and pleaſure of the crown; and that the king calls his parliament to frame laws, and what is ſtill more eſſential, to grant ſupplies; but not to meddle with the adminiſtration of affairs. The Whigs on the other hand aſſert, that parliament is properly the great council of the nation, and ought to take a leading part in the conduct of all the public buſineſs; that the Houſe of Commons in particular, being entruſted with

the national purſe, has it in ſtrict duty to controul thoſe tranſactions which require the aid of public money; to examine, with the moſt ſcrupulous attention, their object, and to judge beforehand of their neceſſity. Such have been the tenets, and ſuch the proceedings of theſe parties during the preſent reign. The Whig adminiſtrations have indeed been rare, and of ſhort duration; but in no period have they more ſtrictly adhered to their principles, though in this adherence they muſt have foreſeen almoſt a certainty of their fall. The firſt miniſtry appointed by the king, went upon the avowed intention of delivering the crown from the bondage of parliament; but the nation was not at that time ripe to receive a doctrine which they have ſince given into with ſuch headlong ſecurity. This miniſtry preſently ſunk under the general odium; and left behind it the ſyſtem of the *double cabinet*, by which ſo many ſhort-lived adminiſtrations were ſucceſſively appointed and diſmiſſed.

In 1765 the diſcontents ran ſo high, that it was found abſolutely neceſſary to ſuſpend the ſyſtem, and to allow an adminiſtration once more to place its ſtrong hold in parliament; but though ſuſpended, it was not abandoned; and every effort was uſed to render the parliamentary conſtitutional adminiſtration of the Marquis of Rockingham weak and inefficacious: and when the

the king's friends had ſucceeded in their endeavours within doors and without, to counteract the meaſures of his miniſters, we may remember the language they held was, "Well! we have "tried your *virtuous* adminiſtration, but they "have wanted ſtrength to ſupport themſelves;" not perceiving that what they deſigned for ſatire was in fact the higheſt praiſe; that to be weak in corrupt influence, is to be ſtrong in honeſty. This new victory of court influence over parliamentary controul, was followed by ſixteen years, the darkeſt that are to be found in the Britiſh annals; the humiliating triumphs of Wilkes, and Horne, and Junius, provoked and neceſſitated by the unconſtitutional proceedings of miniſters; and the ſame unconſtitutional principles obſtinately purſued through the diſgrace and ruin of a ten year's civil war. In 1782, the patience of the nation, and it is ſomewhat of an aſinine endurance, was again worn out, and Lord Rockingham and his friends were a ſecond time reluctantly invited to take the helm till the ſtorm ſhould ſubſide, or till, by the operation of certain counter-manœuvres, it might again be made impoſſible for them to ſteer the veſſel. On the death of Lord Rockingham, in the ſame year, a man was placed at their head, in whom they could not confide; they of courſe returned to their private ſtations. Such was the ſtate of things immediately previous to the

coalition,

coalition. The Marquis of Lanſdown was at the head of an adminiſtration, but little eſteemed by any part of the nation; the Whig party remained firmly united under the auſpices of one of the firſt characters in the kingdom *; and a third party conſiſted of thoſe men who had acted with Lord North in his unfortunate adminiſtration. Now if there were any ſet of men more particularly impreſſed with the fatal effects of extra-parliamentary adminiſtration, it certainly was this party. Lord North having been engaged to commit himſelf for the American war, which was at firſt the war of the nation, had been drawn on to continue it, year after year, by the mere dead weight of his majorities, againſt the voice of the nation, againſt the feelings of parliament, nay, againſt his own opinion, with a compliance that cannot be excuſed, till he found himſelf overwhelmed in difficulty and diſtreſs: to proceed was impracticable; and to abandon his poſt would have incurred the additional diſgrace of deſertion. It is hardly poſſible to conceive a ſituation of more humiliation and embarraſſment than the latter part of Lord North's adminiſtration. He had of all other men received the ſevereſt leſſon of the danger of ſtanding forward to be reſponſible for meaſures hatched in the dark receſſes of cloſets and

* The Duke of Portland.

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bed-chambers. He had learned, from bitter experience, the neceſſity for miniſters, who deſire to ſerve either with credit and ſatisfaction to themſelves, or with advantage to the country, to take their ground upon free parliamentary diſcuſſion; making the great meaſures of government the public meaſures of the ſtate, and not the mere machinations of a cabal or a junto. Under this conviction, what could be more natural or reaſonable than to join with that party which had ſteadily and invariably maintained that ground. Lord North and his friends went over very heartily to the Whig party, becauſe they knew, from their own perſonal experience, that upon the principle of that party alone an adminiſtration could ſafely and honourably proceed. They became the firmeſt maintainers of the Whig doctrine; as among the early religious reformers, the monks were the moſt ſtrenuous and reſolute oppoſers of the errors of the church of Rome.

By this junction parliament was another time reſtored to the real effective exerciſe of its inveſtigating and controuling functions. But by one of thoſe extraordinary miſconceptions to which nations as well as individuals are ſubject, the people were perſuaded to conſider this junction in another point of view. They ſuffered themſelves to be told, that the cabinet had been taken by ſtorm, and the royal prerogative inſolently

invaded. That to deny the king the power of chuſing his own miniſters was to place him below the ſituation of every common gentleman, who can chuſe his own ſervants; and to this abſurd cant they liſtened with complacency; nay, they were induced to believe, that there was ſome dangerous myſtery in this junction, becauſe one of the parties had uniformly reprobated, in terms of the ſtrongeſt reproach, thoſe principles which the other party had at laſt conſented to abandon, upon the fulleſt experience of their evil effect. They believed, and many of them ſtill believe, the word *coalition* to mean ſome very wicked thing; as three parts of the people in France would expect to find the word *ariſtocrat* explained in their dictionaries by all the attributes of the devil. This diſpoſition in the nation, which had been excited with ſo much induſtry, was ſpeedily called into effect. A plan of the Whig-coalition miniſtry to ſupply, in ſome ſort, the want of repreſentation in our Eaſt-India poſſeſſions, by giving parliament ſome immediate inſpection and controul in the government of thoſe vaſt territories, was made the pretext for bringing forward, into open day, the avowal of that ſecret influence which had hitherto operated in obſcurity and concealment. A marvellous coalition indeed took place; a coalition between the nation and the king's extra-official irreſponſible counſellors, to diſſolve

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a parliament for the unuſual crime of reſiſtance to the court; and ſuch was the infatuation of the people, that men, whoſe whole lives had given pledge of their integrity and honeſt attachment to the popular cauſe, were driven away with contempt, to make room for any unknown adventurer who could obtain a letter of credit from the court. In ſo reſpectable a place as York, with a baſe inſolence that ought not to be forgotten, every perſonal indignity was offered to a man, whoſe virtues would have done honour to Rome in her pureſt times *; and this conduct was imitated, in a greater or leſs degree, through the kingdom.

All the conſequences, however, of this heterogeneous unnatural conjunction of irreconcilable intereſts and oppoſite views, were certainly not foreſeen by either of the parties, for each has has fallen into the ſnare it was moſt anxious to avoid.

The crown has, indeed, a miniſter independent of the parliament and the people; and the people have a miniſter independent of the crown and the parliament; but what neither of them laid their account for, both the people and the crown have a miniſter independent upon themſelves; the people have made him independent of the crown, and the crown has made him independent of the people; and both are pledged to

* Lord John Cavendiſh.

ſupport him even againſt each other. He may any day chuſe his ground, and ſhift it every day if he pleaſes. He may alternately play either of them off as he finds occaſion. If his meaſures are threatened with popular odium, he retires under the ſhadow of the crown. If his predominancy in the cabinet is impatiently endured, he is not afraid of an appeal to the people. In the mean time he has nothing to conſider but how to augment and ſecure his own power againſt contingent events. To review the meaſures of the preſent adminiſtration is not here my purpoſe; I will only remark, that if the friends of the Whigs are aſked what that party has done for the nation, they will anſwer, that during their ſhort and ill-ſupported direction of affairs, the Engliſh *lettres de cachet*, general warrants, were aboliſhed—the deep wound made in the conſtitution by the proceedings at the Middleſex election was healed—the dangerous prerogative of bringing unlimited claims on the part of the crown was taken away—the American ſtamp-act was repealed, as a preliminary to an agreement which would have prevented the American war, and the ſeparation of the colonies. Theſe are ſolid advantages, and improvements, and repairs. When the panegyriſts of the preſent miniſtry are preſſed with the ſame queſtion, we are referred to the ſtate of the funds for an anſwer. But if the price of ſtock is a

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a ſcale to eſtimate the riches of a country, it is no thermometer of its liberties; for the riches of a nation may mark high when their liberties are at the freezing point. And even ſuppoſing that riches were the only things worth attending to, though a miniſter may underſtand the beſt method of coming at them for the purpoſes of revenue, how he can *create* them is not very eaſy to underſtand. But if the honour, or the obſtinacy of the nation is pledged for blind unlimited confidence, they muſt juſtify it upon the beſt grounds they can; eſpecially now that it is likely to be frequently called for, if it be true, as is ſaid, that we are to ſucceed to the French ſyſtem of intrigue in the foreign cabinets.

I will terminate this digreſſive article with a ſhort fable. The wolves and the ſheep had long lived at enmity, becauſe the wolves wanted to devour the ſheep, and the ſheep had an objection to being eaten. At laſt they repreſented to the ſheep that their character had been much miſtaken; that they were, in reality very good ſort of animals; and deſired nothing ſo much as to come to a good underſtanding with their worthy friends the ſheep; that if they would but part with their dogs, to whoſe ſnarling and quarrelſome diſpoſition all the ill-blood between them was owing, both parties might live together upon the beſt terms in the world. The ſheep conſented; and affairs have ever ſince

been very quietly carried on without reſiſtance or diſpute.

The propoſal which our dear Thomas has reſerved for us, as his laſt beſt gift, is *to render the government inſolvent for the purpoſe of taking it into our own hands*; and he ſhews us, from the example of France, how eaſily this may be accompliſhed. "If any credit is given," he ſays, "it is to the diſpoſition of the people to "pay the tax, and not to the government which "lays it on; when this diſpoſition expires, "what is ſuppoſed to be the credit of govern-"ment, expires with it. The inſtance of "France under the former government, ſhews "that it is impoſſible to compel the payment "of taxes by force, when a whole nation is "determined to ſtand upon its ground." That there is no compelling a *whole* nation is clear; becauſe the part that muſt be employed to compel the reſt is included in the whole; but it is alſo clear, that where the payment of taxes cannot be compelled contrary to the general diſpoſition of the people, there will be no taxes at all, for a diſpoſition in the people to pay taxes never can exiſt any where. If that which never exiſted can be ſaid to expire, the diſpoſition to pay taxes has expired in France, becauſe the power to compel the payment of them has expired; and not only the credit of the government but THE CREDIT OF THE NA-

TION has expired alſo. Ruin and bankruptcy have been, and muſt ever be the conſequence. To ruin and bankruptcy this man calmly invites us. The wretch who, with falſe ſignals, directs the veſſel on ſhore that he may plunder the wreck, has at leaſt the plea of intereſt for his wickedneſs; but to love unprofitable miſchief, to promote deſtruction for the mere pleaſure of contemplating the ſufferings of men, is a depravity for which there is no natural ſource in the human mind; a wiſh to ſee millions reduced at once to all the horrors of beggary and deſpair, that a bankruptcy in the Engliſh funds muſt occaſion, ſhould ſeem only to belong to what we are taught to believe of the devil himſelf. Let us, however, examine the facts and arguments upon which this horrible propoſal is endeavoured to be maintained. "If France," he ſays, "with a revenue of nearly twenty-"four millions ſterling, with an extent of rich "and fertile country, above four times larger "than England, with a population of twenty-"four millions of inhabitants to ſupport taxa-"tion, with upwards of ninety millions ſterl-"ing of gold and ſilver circulating in the "nation, and with a debt leſs than the preſent "debt of England, ſtill found it neceſſary, "from whatever cauſe, to come to a ſettle-"ment of its affairs, it ſolves the problem of "funding for both countries." But how this

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deſcription of the revenues and reſources of France, where the funding ſyſtem never could be eſtabliſhed, and the neceſſity that country was under, *from whatever cauſe*, of coming to a ſettlement of its affairs, can be applied to ſolve the problem of funding in England, any more than the problem of the balance of power, or any problem in Euclid, would, I believe, puzzle an Oedipus to diſcover.

By way of demonſtrating that the actual reſources of England are inferiour to thoſe of France, he endeavours to prove that the ſpecie in circulation in France is, and always has been, proportionably greater than in England; nay, that in "this reſpect, ſhe muſt be in ſome con-"ſiderable proportion behind every country in "Europe;" by which unfortunate obſervation he kicks down, at one ſtroke, the argument he had laboured through eight pages to maintain; for it is an undeniable fact, that England is in ſome conſiderable proportion *before* every other country in Europe, in general riches, and that conſequently the general riches of a country, cannot, according to his own ſtatement, be eſtimated by its quantity of ſpecie.

The precious metals may be conſidered in two points of view, either as commodities, objects of commerce, or as the ſigns of exchange by which all other commodities are repreſented or transferred. In the firſt view,

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if the cheapneſs of a commodity is a proof that the market is ſufficiently ſupplied, money is cheaper in England than in any other country in Europe; that is, a larger quantity of it may be purchaſed for the ſame quantity of labour or ingenuity. Conſidered on the other hand, as the ſigns of riches, we muſt be careful not to confound them with the things ſignified; as ſigns, they are really of no value, but as the things which they repreſent exiſt alſo. A country may ſuffer extreme poverty with half the gold in Europe in its hoards, as an individual may periſh with hunger amid treaſures which he would gladly exchange for a cup of water and a morſel of bread *. Commerce is circulation. Riches, like the natural aliments, muſt be circulated through the habit before they can nouriſh and vivify the body; for the uſe of commerce, at laſt, can only be to obtain thoſe goods and conveniences which the country does not naturally poſſeſs. The wealth of a nation conſiſts in the exchange, or, according to the mercantile phraſe, the quick return of riches, and not in their dead poſſeſſion. To eſtimate the riches of an individual by the quan-

* You are ſhewn, in a hotel at Paris, a ſubterraneous room which the maſter had ſecretly contrived to conceal and viſit his money. In one of theſe viſits the trap door ſhut down upon him, and his ſkeleton was diſcovered years afterwards lying upon his gold. A good picture of avarice!

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tity of caſh in his bureau, would be juſt as concluſive as to eſtimate the riches and reſources of England, merely by the relative quantity of its gold and ſilver coin. The gold and ſilver annually imported into Spain and Portugal, may be compared to food taken into a ſtomach that has loſt the powers of digeſtion, paſſing through without affording nutriment or ſtrength. In England, their momentum is multiplied an hundred fold, by the rapidity of their motion.

The real riches of a country are its induſtry and ingenuity; its agriculture, arts, and commerce; and where theſe exiſt, the ſigns employed to transfer or repreſent their produce will never be wanting. The common ſigns of money were firſt invented as of readier transfer than the more ponderous or immoveable things which they repreſent; when commerce was farther extended, it became neceſſary to invent ſtill more portable ſigns, ſomething by which money itſelf ſhould be repreſented or transferred; and bills of exchange, and by degrees all the various modifications of paper currency and credit, have been introduced; and this ſyſtem, by which a negociation is more eaſily carried between the Antipodes, than formerly between Rome and Athens, though, like all others, liable to abuſe, is a marvellous inſtance of the advancement of human ingenuity.

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In considering the subject of paper currency it is very necessary to distinguish between that which is the *representative* of real riches, and that which is the *substitute* for them. The first is a proof of redundancy of wealth, and a means of its farther increase; the latter indicates absolute poverty within, and precludes the entrance of foreign riches. To understand this, we have only to compare the actual paper currencies of France or England. In England, no person is obliged to receive paper in payment, and yet it is never refused; and it is in value and effect perfectly equivalent with the gold and silver currency, and often preferred as more convenient; the obligation is not upon the people to receive it, but upon those who are authorised to issue it, to exchange it instantly for lawful money, when required; and it is worth as much at Amsterdam or New York, and a great deal more at Bordeaux or Nants, than in London. In France, the paper currency, though the legal money of the nation, is thirty or forty *per centum* below the value of the coin. What Mr. Paine predicates as possible of the funding system in England at some indefinite time, when he says, "*It operates to multiply paper, and to substitute it in the room of money in various shapes, and the more paper is multiplied, the more opportunities are offered of exporting the specie; and it admits of a possibility*

by extending it to ſmall notes of encreaſing paper till there is no money left, is exactly deſcriptive of the preſent ſituation of France, and has been the immediate conſequence of the remedy he propoſes to us againſt the evils of the funding ſyſtem; by the very proceeding he would recommend to us, as the means of reſtoring the balance of gold and ſilver, and "realiſing paper credit for coin," gold and ſilver currency have utterly diſappeared in France; a louis d'or is to be purchaſed like a watch or a ſnuff-box; that which he predicts will happen to us at ſome diſtant and indefinite time has actually happened in the country he offers to us as an example, in one year after his prophecy. Such is the conſiſtency, and ſagacity, and foreſight of this heaven-born judge of nations.

The ſyſtem of funding in England, appears to have contributed much to her extraordinary proſperity. Amongſt its principal advantages, is that of furniſhing a ſafe and ready means to put the wealth of individuals into immediate productive activity. Landed ſecurity can only be occaſionally obtained, and money lent upon it cannot be immediately called in when wanted; but a ſecurity ſafe and productive, where money may be at all times placed, and at all times recalled at a day's warning, cannot but afford an admirable facility for the circulation of riches. As to the objection to funding,

ing, as old as its inſtitution, that a ſyſtem founded on borrowing muſt ultimately fail, the experience of an hundred years has rather leſſened than increaſed the apprehenſion; after paſſing, to a great extent, all the bounds that have at different times fixed as its utmoſt poſſible latitude, it never appeared ſtronger than at the preſent moment; it may be deſtroyed by long and diſaſtrous wars, or by internal convulſions, or by a ſeries of vicious adminiſtration; but in the ordinary courſe of things, there ſeems to be no reaſon why it ſhould not continue as long as the activity, and induſtry, and ingenuity, upon which all national riches muſt be ultimately ſupported and maintained.

Common Senſe opens with a notable diſcovery, which the author thinks it afterwards worth while to claim, with great anger, from the rhetor Raynal. (Let. p. 66, 67.) That "ſociety is produced by our *wants*, and govern-"ment by our *wickedneſs*." But this is no more than to confound the general idea of government, with the partial idea of criminal law. Criminal laws may be ſaid to be neceſſitated by our wickedneſs, but the primary object of government is to *regulate*, and to *puniſh* only ſecondary and incidental. In the moſt virtuous ſociety, men may and will very honeſtly and conſcientiouſly diſagree upon the adminiſtration of the affairs of the community. It therefore be-

comes immediately neceſſary to eſtabliſh ſome common determined regulation, to refer to in doubtful points. This collective ſenſe of the community upon each of theſe points, is the ſimple origin of *law*, and the aggregate ſenſe of theſe regulations taken together gives the firſt general idea of a *government*.

As far as probability may be allowed to explore the dark receſſes of time, this ſhould ſeem to have been the progreſs of civil ſociety. *Men*, in their animal and inſulated ſtate, would be at firſt *hunters*, and would preſently form themſelves into bands for the greater power and convenience in attacking their prey; and as theſe bands, when they met, would be liable to diſpute their prizes with one another, they would elect the moſt active and ingenious among them to direct the chaſe, or command the battle; here we may trace the origin of *monarchy* as well as of war; and to this ſimple ſtate of ſociety, this ſimple government ſeems beſt adapted. Though the command was abſolute, the ſubmiſſion was voluntary; and being conferred for effective purpoſes, requiring effective powers and abilities, would only be temporary and occaſional.

Men would next learn to tame and breed the granivorous race of animals, and *paſturage* is the ſecond ſtep in civilization. The feeding of cattle requires no very active powers, either of body

body or mind; and these pastors would be content to refer their disputes and contentions to the wiser and more experienced of their elders; and here we may perceive the beginning of *aristocratical* government.

In process of time, these peaceable pastors would be attacked by some of the hardy and warlike tribes of hunters, to whom they would fall an easy conquest: here a great variety of new civil relations commences. These conquerors, ferocious from education, would treat the conquered people as their servants and dependants, and force them to cultivate the earth, much as we now force the negroes to raise our sugars and cotton and rice; and this is the probable origin of *agriculture*, which is the third state of civilization; and to this state we may refer the beginning of that inexhaustible source of civil relations, exclusive property. Here men become stationary, and instead of wandering in search of the animals of the chase, or of fresh pastures for their cattle, built cities, and begin to exercise the arts. As soon as several of these stationary societies or nations came to be formed, they would be desirous of exchanging with each other their different natural productions, or the produce of the arts in which they had learned to excel, and *commerce* would take place. Stimulated by new passions, improved by the acquisition of new ideas, the mind of man would

would finally attain to its utmoſt degree of perfection; the abſtract ſciences and fine arts would be invented and cultivated, and the ſecrets of nature laid open to his view. Here man becomes a new being of his own creation, differing infinitely more from his animal ſtate, than any other animals do from each other. His ideas, his paſſions, his wants are increaſed in an infinite ratio; and to attempt to govern him by the ſimple relations of his original nature, is juſt as reaſonable as to propoſe to reduce him to feed upon acorns or live in hollow trees.

This ſeems to be the moſt probable hiſtory of the riſe and progreſs of human ſociety, if it were of any uſe to go back into doubtful and obſcure origin to eſtabliſh practical rights.

Syſtems founded upon arguments *a priori* are not for the uſe of man. Our finite and erring reaſon cannot proceed downwards from general cauſes and univerſal archetypes, to complete effects and perfect inſtitutions. We muſt be content to take humble fact for our guide, and to riſe by ſlow and laborious experiment from ignorance to partial knowledge. Syſtems will be as imaginary and unſtable in politics as in philoſophy, and of much more danger. The former ſhine for a moment and diſappear, like the harmleſs corruſcations of ſummer meteors; but the latter are replete with electric and combuſtible matter, of power to mark their courſe with

with deep and lasting traces of destruction. To view at once, and before hand, all the possible consequences resulting from general principles, belongs alone to omniscience; and to combine them in effectual action, to omnipotence. Every thing in the moral world, seems to grow out of relative circumstances; nay, it should seem, that God has ordained nature herself to proceed in the same course. Modes of existence seem gradually to produce themselves by the energy of their necessities in the same manner that anatomists have observed new vessels to be formed in diseased bodies, by the new or increased action of the parts.

The grand advantage of society over the uncivilized or animal state, is the vast increase that it gives to the numbers, and faculties, and powers of mankind, and consequently to the general sum of human happiness. This is the end and object of *society*. The object of *government*, is to secure to every individual the peaceful enjoyment of whatever share of these he has been able to obtain. Government, in the first instance, guarantees to every man the security of his person and property; but if government is bound to protect liberty and property, it is consequently bound to protect the advantages arising from them, or it does nothing at all. Every man who has a large property, is in some sort the natural representative, the

native protector of those persons to whom his estate furnishes the means of support; he may be said to be the proxy of them all: he therefore comes to election, or deliberation, with a greater weight than a man who answers for nobody but himself; and this great and natural advantage, resulting from property, is to be protected by the laws, not to be taken away by the laws; from whence it results, unless I am much mistaken, that a system forcing extreme equality, is a system of extreme injustice.

Nor under the common established dispensation, have those members of society who are the least benefited by it, any reason to complain, so long as their state is better than it would have been without society. To estimate his relative situation, a pauper is to compare himself with a monkey or a bear, as well as with a duke or a nabob; and his inferiority, in civil society, to the latter, is infinitely small, when compared to his advantages over animal nature: he is, on the whole, an immense gainer by society. These principles appear to me perfectly clear and distinct; and whatever Mr. Paine may say, I cannot think them less likely to be true, because they have received the universal consent of mankind, as far as we know, in all ages of the world.

The first law of civil society is subordination. Supposing it possible that men should have entered

entered into ſociety in a ſtate of equality; or that by ſome violent effort, equality could for a moment be forcibly eſtabliſhed, ſuperior induſtry, or ingenuity, or good fortune, would immediately place one man in a ſuperior ſituation to another. To oblige men to do their duty in their different ſtations of life, to render them content with what is unavoidable, and to make this neceſſary inequality the moſt productive of good, and the leaſt poſſibly burthenſome and oppreſſive, has hitherto been the object of morals, and religion, and the laws. Our modern doctors have however determined otherwiſe—*Dis alitur viſum.* As there is no abſurdity in phyſics or ethics, which philoſophers are not deſtined at one time or other to maintain; the equal rights of man, amid the numberleſs inequalities incident to our infinitely complicated ſocieties, was reſerved for the French ſect of *encyclopedians*. I confeſs myſelf no admirer of the French philoſophers; they affect a dogmatical manner, the reverſe of true philoſophy; a ſort of *panſophy*, or univerſality of command over the opinions of men, which can only be ſupported by the arts of deception. Their object has been much more to captivate, than to enlighten mankind; not to make them wiſer or better, but to gain an aſcendency over their minds by flattering their paſſions and their vices. They have their plots and intrigues, their *eſprit*

du corps, and their *crie de guére*; and have been the inventors of all thoſe pantomimical tricks, fitter for a puppet-ſhow than a grave legiſlative aſſembly. If the French revolution had been conducted by practical men of ſound underſtandings, the *Somers's* and *Hale's* of our revolution in 1688, France would probably have been at this time in the full enjoyment of all the benefits of a ſtrong and free government. Theſe men would have diſdained to make the people the dupe of ſuch an arrant bubble as the "equal rights of man;" but the almanac-makers and pamphleteers had no chance for any ſhare in the government except by exciting and keeping up ſome extraordinary efferveſcence amongſt the lower orders of the people. In a little better language, and with ſomewhat, though not much more decency of manner, they preach the very ſame doctrines by which the mob has in all ages and countries been excited to ſedition. They firſt endeavour, by a ſort of neology of their own, to confound all ideas of right and wrong; and then, by way of ſecuring the continuance of their influence, to eſtabliſh the conſtitution itſelf upon theſe very principles of ſedition which have hitherto been excluſively applied to the ſubverſion of all government. How unfit theſe *literati* were to give laws to the great community, might indeed have been foreſeen from their management of their own

little

little province. The republic of letters has ever been opprobrious for its bad government; its feuds and animoſities; its treacherous wars and tyrannical excluſions. The *odium theologicum* is not more proverbial than the irritable anger of the people, of poets, and philoſophers*. National happineſs will be no more found in a government maintained by inſpiring the people with a ferocious hatred of their ſuperiors than under a tyranny; nay, it ſhould ſeem from the example of France, that of the two, this ſtate is more favourable to it than the former. Under all the diſadvantages of a bad government, op-

* What opinion theſe gentry entertain of each other may be learned by the following extracts from one of the moſt learned and acute of them all. "Philoſophers themſelves "foment the prejudices which are uſeful to them with as "much ardour as they endeavour to overturn thoſe which "are hurtful to them."—"They play off their efforts to obtain general fame rather than the ſuffrages of the enlightened part of mankind; and they hate each other with a "rancour which they have not even the prudence to conceal; "and yet theſe feeble beings call themſelves philoſophers; as "if philoſophy, before ſhe undertakes to regulate, after her "own faſhion, well or ill, the ſyſtem of the world, ought not "to begin by ourſelves, and teach us the real value of "things."—"When I conſider with attention the empire of "literature, methinks I ſee a market-place, where a multitude of empirics, mounted upon their ſtages, call out to the "paſſengers, and impoſe upon the people, who begin by "laughing at them, and finiſh by becoming their dupes."

ESSAI SUR LES GENS DE LETTRES, par M. Dalembert.

preſſed and impoveriſhed by the court, and the nobility, and the church, the French were celebrated for ſuavity of manners, and a happy gaiety of diſpoſition, which has often humbled the conſcious pride of a free-born Briton. If theſe have of late totally diſappeared from amongſt them, it is not owing to the increaſe of liberty, for that would have added to their chearfulneſs and content; but becauſe they have been ſeduced to ſubſtitute for the language and feelings of nature, I know not what ſemi-philoſophical jargon, good for nothing but to harden the heart, and ſophiſticate common-ſenſe. This tendency was obſerved thirty years ago, by the encyclopedian I quoted above. This "anatomy of the ſoul," (he complains) "has "intruded itſelf into our common converſation. "We do not talk, we deſert; and our ſocieties "have loſt that gaiety and warmth that was "their greateſt charm *." Whether under the preſent order of things, the maſter of a family retires from his political club or debating ſociety to his evening repoſe with as light a heart as he was wont to return from mixing in the dance on the green, led on by his ſprightly progeny, is, I fear, more than doubtful. Thoſe who would make the happineſs of mankind

* Preface de l'Encyclopedie.

depend

depend on theories and computation, will find themſelves miſerably out in their reckoning. Human imagination, upon which all our happineſs muſt ultimately depend, is ſtrangely capricious; it laughs at reaſon, and deſpiſes calculation. The pleaſure that once brightened the countenance, and expanded the heart of a Frenchman, at the ſight of the magnificence of Verſailles, was perhaps a more delicious ſenſation than the patriot now feels in contemplating its deſerted walls, as a monument of the reſtoration of liberty. In the former, the ruinous expence of the conſtruction was forgotten amid the ſplendid ſcene; and when he exultingly aſked, *Is your St. James's as fine as this?* he felt not only an intereſt but a property in all he admired. In the contemplation of its deſpoiled and deſolated grandeur, its ſilent halls and ſolitary ſtate-rooms, its dried up fountains and mouldering ſculptures, the joys of freedom will be ſuſpended or abſorbed in ſad reflexions on the vanity of human greatneſs, and the inſtability of human inſtitutions. Such are the aſſociated trains of our ideas, that we cannot contemplate what *is*, without reflecting upon what *is not*. The ſilence will be diſturbed by ſounds of triumph that are no longer heard, and the ſolitude peopled with the brilliant forms that ſhall no more glide over its poliſhed floors. From a ſcene that uſed to exhilarate the natural gaiety

of a party for the beſt of the day, all but the philoſopher will retire to melancholy meditation on the fleeting vanities of the world, and the empty projects of man.

The hiſtory of political and religious diſputes is the hiſtory of hypocrites and enthuſiaſts, of knaves and dupes. The artful and cunning govern the world by exciting and directing the paſſions of the ſimple to their own views and purpoſes. Under the influence of paſſion, men are made to believe what they do not underſtand, and to act what they cannot approve. When the mind is once worked up to enthuſiaſm, there is no abſurdity which will not be implicitly received by the dupes, provided it tends to ſupport the pre-conceived object of their paſſion. The long age of religious fanaticiſm appears to decline apace. A general ſuffuſion of a ſort of knowledge, and the encreaſing intercourſe of mankind, will probably proceed finally to deſtroy the empire of that groſs ignorance, which is ſaid to be the mother of ſuperſtition; and the redundant activity of enthuſiaſtic minds, muſt overflow through ſome new vent, and in ſome new direction. The knaves and hypocrites ſeem to turn their eyes towards ſyſtems of civil government to ſupply the place of ſyſtems of religion, and the object appears but too well adapted to the purpoſe. The paſſions may be heated to any point of

zeal

zeal by political as well as by religious opinions; the former may have its perſecutions, and martyrs, and ſaints, and apoſtles, as well as the former. The "original equality of man" ſeems quite as well calculated to arm man againſt man, as the "immaculate conception "of the bleſſed Virgin;" and the real preſence of "the abſtract impreſcriptible Rights of Man" in our complicated ſocieties, as the real preſence of the body and blood of Chriſt, under the elements of bread and wine in the Euchariſt. During the reign of ſuperſtition, reaſon was enſlaved and bound. Under the reign of political fanaticiſm, ſhe will be made the pander of folly, and dreſs her out in her own garb and ſemblance; and this external appearance will be all that is neceſſary for the degree of improvement in the general knowledge of the world, which, though it may be ſufficient to diſpel the thick and palpable darkneſs of ſuperſtition, will by no means furniſh any teſt to diſtinguiſh truth from errour in difficult and intricate ſubjects. This enlightened age is not leſs liable to be deceived than its dark predeceſſor, but it muſt be deceived in another way. To the prieſts have ſucceeded the philoſophers.

If to theſe the reign of good ſenſe is ever deſtined to follow, it muſt be when men, content to be ignorant of what they cannot know, will believe nothing that they do not clearly under-

underſtand; when there are neither knaves, nor dupes, nor hypocrites, nor enthuſiaſts.

In very complicated ſubjects like this of politics, the difficulty of diſtinguiſhing truth from errour is in proportion to the combinations of which they admit; for truth is a ſingle point from which errour may deviate in the exact ratio of theſe poſſible combinations: to hazard, therefore, our practical happineſs upon mere untried abſtract theories, muſt be ever imprudent and unwiſe. Bayle, the moſt acute and impartial of all dialecticians, makes the following notable remark upon the ſcience of which he was ſo great a maſter. "Philoſophy," ſays he, "may "be compared to thoſe cauſtics which are "employed in the treatment of wounds to "conſume the fungous excreſcences that pre-"vent the granulation of new fleſh, but which, "if allowed to go too far, corrode the ſound "parts, and eat through the bone to the very "marrow. So philoſophy begins by refuting "errour, but if it is not ſtopped there, pro-"ceeds to attack truth itſelf, and goes on till "it loſes all direction, and finds at laſt nothing "whereon to reſt *."

My buſineſs is with the work and not with the authour, or elſe I would aſk, why is this man an emigrant from America, where liberty

* Dict. Crit. Art. Acosta.

has

has eſtabliſhed her ſtand, to mix in the troubles of France, or concern himſelf in the government of England? Is it a *diſturbed* rather than a free country, that is his natural element? Are "thoſe fine feelings," which nature has not been "kind enough to blunt," more agreeably excited by the contemplation of foreign tumult than domeſtic tranquility? Are his deſerts leaſt acknowledged, and his perſon leaſt conſidered, where he is beſt known? Can his talents be employed to no good purpoſe at his adopted home, that he is driven to make an officious tender of them to a nation he affects to hate and deſpiſe? Of the private hiſtory of Mr. Pain, I neither know any thing, or wiſh to enquire *. But theſe queſtions ariſe out of the nature and tendency of his work. "Put no truſt," ſays Rouſſeau, "in thoſe coſmopo-
"lites, who in their writings ſeek for duties
"at a diſtance, while they neglect to perform
"thoſe which are their immediate concern.
"A philoſopher of this kind loves the Tar-
"tars, by way of excuſe, for hating his neigh-
"bours."

If I were to precognize "Rights of Man," in a few words I ſhould ſay, that it is the work of a ſhrewd empiric, written in a kind of ſpe-

* I have ſince read *a life of this author*, in which, beſides a good deal of pleaſant criticiſm, many of his arguments are ably anſwered.

cious jargon, well enough calculated to impoſe upon the vulgar, but containing nothing new or ingenious, or deſerving of ſerious attention. The great ſecret of quackery is to addreſs the paſſions of men, while they are made to believe, that their underſtandings only are engaged; to work upon their hopes and fears, under the maſk of reaſon. Religion and politics, and medicine, are abundant and never-failing ſources of empirical frauds. The fear of death, for example, renders nine tenths of mankind a conſtant prey to the moſt impudent and ignorant pretenders to medicine; to-day it is an elixir, which will preſerve men from death, as long as it can keep them alive; to-morrow it is a noſtrum, which enters into a conflict with the diſeaſe, hand to hand, and expels him by main force out of ſome door or window of the body; and the worſt of it is, that this gabble is more germain to the comprehenſion of the generality of people than real knowledge; for one that can read John Hunter, hundreds will be ſeduced with the popular nonſenſe of ignorant pretenders. When a mountebank comes to the door of a ſenſible diſcreet houſekeeper, he will ſay to him, Friend, go about your buſineſs, unleſs you have a mind to be taken up as a vagrant, and whipped and paſſed to your pariſh. I and my family are, thank God, in good health, and when any of us are ill, we will

uſe

uſe ſuch known and tried remedies, as the phyſician ſhall preſcribe. In the mean time, take away your impudent lying bills and advertiſements, deſigned to impoſe upon our ſimplicity, in an art of which we are wholly ignorant, that you may pick our pockets. You ſhall not fill our heads with vain fears and idle apprehenſions, that you may vend your poiſonous drugs, which if we were fools enough to take, might occaſion real maladies.

The ſecond part of Rights of Man did not fall into my hands, till the foregoing obſervations were concluded. I ſee, however, little neceſſity for adding to them, on account of any thing advanced in this new publication. The authour does no more than go over the ſame ground. If the principles laid down in the firſt part are falſe, the ſuperſtructure erected upon them in the ſecond, falls to the ground. The points he treats of may be worth conſidering for themſelves, but not in anſwer to Mr. Paine. If we are determined to preſerve and repair our magnificent Gothic ſtructure, with all its venerable ornaments, as well as its ſtrong and convenient apartments, we have nothing to ſay to his plans and elevations for a neat regular building. A few remarks I will however make upon it. P. 101, he ſays, "The *only* forms "of government are the democratical, the ari-"ſtocratical, the monarchical, and what is

" now called, the repreſentative;" but in his firſt part he aſſerts, p. 165, " that monarchy, " ariſtocracy, and democracy, are but creatures " of imagination, and a *thouſand ſuch* may be " contrived as well as three!"

He goes on to object to the inconveniencies of the three principles taken *ſeparately* and *abſolutely*; but takes no notice of their operation, when mixed and corrected by each other, as they are in the Britiſh conſtitution, though this was the only object he had to conſider.

In abſolute monarchies, where all depends upon the will of the monarch, much muſt conſequently depend upon his " *wiſdom*;" the Engliſh conſtitution has intruſted nothing to his indefinite power, and therefore but little to his wiſdom; no law originates with him; and the neceſſity of bringing meaſures to public diſcuſſion before parliament, adduces the neceſſity of employing ſome previous wiſdom in their preparation, finally to ſecure more wiſdom in their parliamentary examination, before they are carried into effect.

In the ſame manner, all his objections to ariſtocracy go only to its ſeparate and abſolute principles; and are not at all applicable to the mixed government of England.

P. 154, he triumphs exceedingly in the ſuperior *cheapneſs* of the American government. But allowing the fact, that we do pay more than

abſolute

abſolute utility requires for the ſtate and pomp of government, the money that it coſts is ſpent among ourſelves; and few are philoſophers enough not to partake of the ſhow.—The true queſtion rather is, whether we do more of this than we can afford; and whether our ſtewards do not cheat us in the application of the money which we are willing to deſtine to this purpoſe; for to confine an opulent and highly poliſhed nation to the rigid œconomy neceſſary for a poor or a riſing ſtate, is neither neceſſary nor even expedient.

P. 55, he divides the world between man and beaſt; "generally ſpeaking, we know of "no other creatures (*animals* probably) that "inhabit the world but man and beaſt;" now, upon the enigmatical ſignification of the word MAN, almoſt the whole of the riddle of this modern Sampſon depends. The concrete, *a man*, expreſſes an individual of a known genus; and *men or mankind* an aggregate of a number of the ſpecies; ideas with which every body is familiar; but the abſtract MAN, being wholly indefinite, may be applied to any fanciful exiſtence, or imaginary ſyſtem whatever. Man in this univerſal ſenſe is neither animal nor moral; neither ſavage or civilized; but he is both or either, as beſt ſuits the ſtudied confuſion of the authour. If Mr. Paine had been obliged at ſetting out, to have given a clear, accurate, intel-

intelligible definition of his ſubject MAN, before he had written on his rights, I am apt to ſuſpect, his work would have been ſtopped in the threſhold.

Many of the facts ſtated in this ſecond part are as falſe as the intention of the author is miſchievous. P. 101, he ſtates, that "before "the coming in of the Hanoverians*, the taxes "were divided in nearly equal proportions be-"tween the land and articles of conſumption, "the land bearing rather the greateſt ſhare; "but ſince that æra thirteen millions *per ann.* "of new taxes have been thrown upon con-"ſumption." Now ſuppoſing this ſtatement not to be exaggerated, which it is, what does it prove? that the riches of the nation have, during that period ſo much increaſed, as greatly to exceed the landed property; and that it was therefore neceſſary to lay the encreaſed taxes upon the encreaſed riches, when the land, which is fixed property, can only ſupport a fixed and certain charge. That it would have been better for theſe taxes not to have exiſted at all, is certain; but that is not here the queſtion; it is merely to enquire if they are unjuſtly laid; and that they are, Mr. Paine endeavours to prove by a ſingle fact; "ſeveral of the moſt heavy "and productive taxes," he ſays, though he attempts to produce but one example, "are ſo

* As if the taxes had been brought from Hanover.

"con-

" contrived, as to give an exemption to the " Houſe of Lords, thus ſtanding in its own " defence." " *The tax upon beer brewed for ſale* " *does not affect the ariſtocracy who brew their own* " *beer duty free.*"

More miſchievous intention, or more fallacy in fact or reaſon than is comprized in this ſhort ſentence never offered itſelf to the indignation of honeſt minds. Nothing, thought this incendiary, will be more likely to inflame the mob than to be told, that the Lords have made a law, by which they can drink their beer and porter a half-penny a pot cheaper than common folks; and he daſhes through thick and thin to aſſert the fact. But is the right, to brew their own beer duty free, confined to the Houſe of Lords? It is a right not only poſſeſſed but exerciſed by every houſe-keeper in England out of London; and in London, I do not believe, that any of their Grace's or Lordſhip's brew their own beer: the beer and porter that is drank in their ſervants-halls, or by their tradeſmen, and labourers, and workmen of all kinds, who are fed with their money, pay the very ſame duties which are paid by the people in general; and, in the country of England, the pooreſt houſe-keepers brew their little veſſel of ale againſt Chriſtmas, or a chriſtening, as free from duty as any Lord in the land. In the ſtatement, too, of the groſs produce of this tax,

he

he commits a voluntary error; for having been himself an officer of excise, he could not be ignorant that a very considerable abatement is to be made for drawbacks and allowances; but it was his object to swell the amount as offensively as possible; and accurate veracity cannot be attended to by a man who is *resolved to labour as fast as he can.*

The facts regarding this statement, as generally applied, are, indeed, to a surprising degree, the contrary of what is here so wickedly suggested. Where the taxes are unequal, the inequality, as it ought to do, presses upon the higher ranks. The house-tax, the window-tax, the servants tax, the coach-tax, the duties on wine, the tax on post-horses, and many others, fall almost exclusively upon the opulent; and the far greater proportion of the taxes upon all the objects of immediate consumption are directly, or indirectly, ultimately paid by them. "But," says he, "men of small or moderate estates "consume more of the productive taxable ar-"ticles, in proportion of their property, than "those of large estates." How this assertion is to be proved I do not know; but allowing it to be true, it is no fault of the man of large property, that he consumes no more than he can. "Secondly," he observes, "their residence is "chiefly in towns, and their property in houses. "In Birmingham the poor-rates are seven

" ſhillings in the pound; and theſe," he adds, " are but a part of the miſchiefs flowing from " the wretched ſcheme of a Houſe of Lords."

By way of reply to this curious paſſage, I will aſk Mr. Paine three queſtions.

1. How many perſons, " of ſmall or moderate " eſtates, whoſe property is chiefly in houſes," he believes to reſide in Birmingham? (we do not ſpeak of manufacturers who are benefited by the cauſes which encreaſe the poor.)
2. Whether he will ſay, that it is the duty of Lord Aylesford, and Lord Coventry, &c. to leave the care of their eſtates to go and reſide at Birmingham, by way of leſſening the poor-rates?
3. How the inequality neceſſarily reſulting from diſproportion of property, can be made to flow from the wretched ſcheme of a Houſe of Lords?

At ſome future time I may, if it ſhould appear neceſſary, be led to conſider the ſubjects of this publication as well as I am able. But this is not the work of a day. The object of the preſent work is to warn my countrymen from running into either, of what I conceive to be, two very dangerous extremes; and to defend a party that has taken its ſtand under the banners of the conſtitution. If I have in any degree ſucceeded, I have done enough for the preſent. That there are many and deep abuſes in the

government calling for reparation and reform, no fair reaſonable man will dare to deny; and I affirm, what I believe, that every neceſſary reparation and amendment may be obtained under the conſtitution, by regular and lawful means, the moment the nation reſolves to ſtand up to the conſtitution. On the other hand, I believe, that the conſtitution, ſuch as it is, with all its imperfections on its head, is infinitely preferable to any thing we are likely to obtain from anarchy and civil war. If the nation deſerves an amended conſtitution, they poſſeſs the means of obtaining it in their own virtuous conſtitutional exertions; if they do not deſerve it, they are ſtill leſs likely to obtain it when every reſtraint of law and morality is taken away.

I have now performed my taſk, honeſtly, if not ably: of the ſucceſs of this publication, neither my hopes nor expectations are very ſanguine; the violent, on both ſides, it is certain to diſpleaſe; and if moderate perſons ſhould turn away from the further diſcuſſion of theſe difficult and dangerous topics, I ſhall be but little inclined to diſpute the wiſdom of their determination. As a work in any degree adequate to the magnitude and extent of the ſubject, no man will paſs a ſeverer ſentence upon it than myſelf. It has been written under the preſſure of ſickneſs and misfortune, at broken intervals, and with interrupted attention.

Whether it be deſtined to "walk the town awhile," or to be ſwept at once from Mr. Stockdale's counter, into the vaſt lap of oblivion, I cannot feel much concern. The merit of the intention is all I claim. For the reſt, my ſlight labours have already received their reward: they have ſometimes beguiled pain, and ſometimes ſuſpended ſorrow.

FINIS.

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